

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIFTH DAY — THURSDAY, MAY 8, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 543).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberger; Lewis; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Gallego; Oliveira.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts; Turner; Wohlgemuth.

Absent — Geren; Hill; Moreno, P.; Paxton.

The invocation was offered by Reverend Terrence Steele, pastor, More Than Conquerors Faith Church, Sherman, as follows:

Father, we give you thanks. We give you praise, glory, and honor. We also come humbly before you admitting our great need for you. Not simply a partial need Lord, but a full, deep, constant, and daily need. Thank you that you give grace to the humble. And so we humble ourselves before you and ask that you would pour out your grace in mighty measures today upon this legislative body—graciously speaking to them, graciously touching their hearts, graciously working in them—to will and to do according to your good pleasure.

Father, you brought every member of this 78th legislative body here for a time such as this. 150 dedicated, caring men and women who want to make the right decisions for the people who sent them here. Father, we pray that you give each member of this Texas House of Representatives the wisdom to know what is right, the strength to do what is right, and the courage to reject those who would compromise the integrity of this high office. Father, remind us that it is not always easy to do the right thing, but it is always the right thing to do.

Father, let the family members and loved ones of each member of this house especially know that they, too, are true American heroes. They also pay a high price keeping the home fires burning while giving strength and support to these representatives to carry on the responsibility of this state government. God, use them to bless this great state.

To you be honor and glory in all things. In Jesus' name. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Heflin on motion of Lewis.

Luna on motion of Lewis.

Turner on motion of Lewis.

Wohlgemuth on motion of Lewis.

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Pitts on motion of Lewis.

The following member was granted leave of absence for today because of important business in the district:

Gallego on motion of Hochberg.

The following member was granted leave of absence for today because of a death in the family:

Oliveira on motion of Hochberg.

CAPITOL PHYSICIAN

The speaker recognized Representative Baxter who presented Dr. Cary Douglas of Austin as the "Doctor for the Day."

The house welcomed Dr. Douglas and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 833 - ADOPTED
(by Kolkhorst and Ellis)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 833**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 833, Honoring Texas correctional officers during National Correctional Officers and Employees Week, May 4-10, 2003.

HR 833 was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Kolkhorst who introduced Texas correctional officers.

(Geren now present)

HR 914 - ADOPTED
(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 914**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 914, Honoring past recipients of the Texas Chiropractic Association's Keeler Plaque.

HR 914 was adopted without objection.

HR 915 - ADOPTED
(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 915**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 915, Honoring the Texas Chiropractic Association.

HR 915 was adopted without objection.

HR 1042 - ADOPTED
(by Mercer)

Representative Mercer moved to suspend all necessary rules to take up and consider at this time **HR 1042**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1042, Honoring Homer W. Lear for his service to the United States of America.

HR 1042 was adopted without objection.

INTRODUCTION OF GUEST

The speaker recognized Representative Mercer who introduced Homer W. Lear.

(Hill now present)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 36).

HR 1083 - ADOPTED

(by Rose)

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 1083**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1083, Congratulating Britni Lawrence of Hays High School on her athletic achievements.

HR 1083 was adopted without objection.

(Miller in the chair)

HR 1069 - ADOPTED

(by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 1069**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1069, Honoring Lela Chism Eaves of Tyler on her retirement.

HR 1069 was adopted without objection.

On motion of Representative Merritt, the names of all the members of the house were added to **HR 1069** as signers thereof.

HR 1010 - ADOPTED

(by Crownover)

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 1010**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1010, Honoring Texas Woman's University for winning its 7th USAG Collegiate National Championship.

HR 1010 was adopted without objection.

On motion of Representative Solomons, the names of all the members of the house were added to **HR 1010** as signers thereof.

HR 1038 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 1038**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1038, Commending Dr. Austin King, Dr. Charles Nelson, and Dr. Jon Ashby by the establishment of the Voice Institute of West Texas at Abilene Christian University and for their exemplary work in their individual specialties.

HR 1038 was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Hunter who introduced Dr. Jon Ashby and Dr. Charles Nelson of the Voice Institute of West Texas.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

McClendon on motion of Alonzo.

The following member was granted leave of absence temporarily for today because of important business:

Laney on motion of Chisum.

The following member was granted leave of absence for the remainder of today because of illness:

Kuempel on motion of Elkins.

MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 287 ON THIRD READING
(Chisum - House Sponsor)

SB 287, A bill to be entitled An Act relating to changing the composition of certain state agency governing bodies with an even number of members to comply with the changes made to Section 30a, Article XVI, Texas Constitution.

Amendment No. 1

Representative Chisum offered the following amendment to **SB 287**:

Amend **SB 287** on third reading by striking the ARTICLE of the bill addressing the Texas Workers' Compensation Commission (house committee printing, ARTICLE 46, page 46, lines 10-18) and substituting a new appropriately numbered ARTICLE to read as follows:

ARTICLE ____ . TEXAS WORKERS' COMPENSATION COMMISSION

SECTION ____ .01. Effective September 1, 2003, Section 402.002(a), Labor Code, is amended to read as follows:

(a) Members of the commission hold office for staggered two-year ~~[six-year]~~ terms, with the terms of three members ~~[one member representing employers and one member representing wage earners]~~ expiring on February 1 of each ~~[odd-numbered]~~ year.

SECTION ____ .02. (a) Notwithstanding Section 402.002(a), Labor Code, as amended by this Act, the current terms of the members of the Texas Workers' Compensation Commission expire February 1, 2005.

(b) As soon as possible on or after February 1, 2005, the governor shall appoint:

(1) one member representing employers and two members representing wage earners to terms expiring February 1, 2006; and

(2) one member representing wage earners and two members representing employers to terms expiring February 1, 2007.

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 287, as amended, was passed by (Record 544): 131 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberger; Lewis; Madden; Marchant; Martinez Fischer; McCall; McReynolds; Mercer; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Miller(C).

Absent, Excused — Gallego; Kuempel; Laney; McClendon; Oliveira.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts; Turner; Wohlgenuth.

Absent — Castro; Mabry; Menendez; Moreno, P.; Paxton; Wolens.

STATEMENT OF VOTE

When Record No. 544 was taken, my vote failed to register. I would have voted yes.

Menendez

SB 261 ON THIRD READING (Dunnam - House Sponsor)

SB 261, A bill to be entitled An Act relating to the continuation and functions of the Texas Council on Purchasing from People with Disabilities.

SB 261 was passed.

SB 277 ON THIRD READING (Chisum, Flores, Solomons, Dunnam, and Gallego - House Sponsors)

SB 277, A bill to be entitled An Act relating to the continuation and functions of the Texas Board of Professional Engineers and to the regulation of the practice of engineering.

Amendment No. 1

Representative Chisum offered the following amendment to **SB 277**:

Amend **SB 277** on third reading by amending Floor Amendment No. 4 by Smith by striking Item (9) of the amendment (page 2, line 22, through page 3, line 23, of the amendment) and substituting the following:

(9) Between SECTIONS 28 and 29 of the bill (House Committee Printing page 31, between lines 9 and 10), insert the following SECTIONS, appropriately numbered:

SECTION __. Section 2, Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

Sec. 2. AGENCY PARTICIPATION. The Texas Board of Professional Engineers ~~[following agencies]~~ shall be the only state agency that is part of the pilot project created by this Act[~~:-~~

~~[(1) the Texas State Board of Public Accountancy;~~

~~[(2) the Texas Board of Professional Engineers; and~~

~~[(3) the Texas Board of Architectural Examiners].~~

SECTION __. Section 4(c), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

(c) This Act is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, this Act expires September 1, 2009 ~~[2003]~~.

SECTION __. Section 6(c), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

(c) The ~~[Texas State Board of Public Accountancy shall annually remit \$500,000 to the general revenue fund, the]~~ Texas Board of Professional Engineers shall annually remit \$373,900 ~~[\$50,000]~~ to the general revenue fund~~[-and the Texas Board of Architectural Examiners shall annually remit \$700,000 to the general revenue fund].~~

SECTION __. Section 15(b), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

(b) If a state agency no longer has status under this Act as a self-directed semi-independent project agency either because of the expiration of this Act or for any other reason, ownership of any property or other asset acquired by the agency during the time the agency participated in the pilot project, including unexpended and unobligated money ~~[fees]~~ in a deposit account in the Texas Treasury Safekeeping Trust Company, shall be transferred to the state.

SECTION __. (a) On the effective date of this Act, the Texas State Board of Public Accountancy and the Texas Board of Architectural Examiners are no longer self-directed semi-independent project agencies under the Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes).

(b) The change in law made by this Act does not affect the obligation of the Texas State Board of Public Accountancy and the Texas Board of Architectural Examiners to remit money to the general revenue fund for the state fiscal year ending August 31, 2003, under Section 6(c), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), as that law existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Chisum offered the following amendment to **SB 277**:

Amend **SB 277** on third reading by amending Floor Amendment No. 4 by Smith by striking Item (9) of the amendment (page 2, line 22, through page 3, line 23, of the amendment) and substituting the following:

(9) Between SECTIONS 28 and 29 of the bill (House Committee Printing page 31, between lines 9 and 10), insert the following SECTIONS, appropriately numbered:

SECTION __. Section 2, Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

Sec. 2. AGENCY PARTICIPATION. The Texas Board of Professional Engineers ~~[following agencies]~~ shall be the only state agency that is part of the pilot project created by this Act~~[-~~

~~[(1) the Texas State Board of Public Accountancy;~~

~~[(2) the Texas Board of Professional Engineers; and~~

~~[(3) the Texas Board of Architectural Examiners].~~

SECTION __. Section 4(c), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

(c) This Act is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, this Act expires September 1, 2009 ~~[2003]~~.

SECTION _____. Section 6(c), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

(c) The ~~[Texas State Board of Public Accountancy shall annually remit \$500,000 to the general revenue fund, the]~~ Texas Board of Professional Engineers shall annually remit \$373,900 ~~[\$50,000]~~ to the general revenue fund~~[-and the Texas Board of Architectural Examiners shall annually remit \$700,000 to the general revenue fund].~~

SECTION _____. Section 15(b), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

(b) If a state agency no longer has status under this Act as a self-directed semi-independent project agency either because of the expiration of this Act or for any other reason, ownership of any property or other asset acquired by the agency during the time the agency participated in the pilot project, including unexpended and unobligated money ~~[fees]~~ in a deposit account in the Texas Treasury Safekeeping Trust Company, shall be transferred to the state.

SECTION _____. (a) On the effective date of this Act, the Texas State Board of Public Accountancy and the Texas Board of Architectural Examiners are no longer self-directed semi-independent project agencies under the Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes).

(b) The change in law made by this Act does not affect the obligation of the Texas State Board of Public Accountancy and the Texas Board of Architectural Examiners to remit money to the general revenue fund for the state fiscal year ending August 31, 2003, under Section 6(c), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), as that law existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 2 was withdrawn.

Amendment No. 1 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

(Speaker in the chair)

Amendment No. 3

Representative Chisum offered the following amendment to **SB 277**:

SB 277 is amended on third reading by striking the language in Second Reading Floor Amendment No. 5 amending Sec. 1001.053, Occupations Code and substituting the following:

SECTION _____. Section 1001.053, Occupations Code, is amended to read as follows:

Sec. 1001.053. PUBLIC WORKS. The following work is exempt from this chapter:

- (1) a public work that involves structural, electrical, or mechanical engineering, if the contemplated expense for the completed project is \$20,000 [~~\$8,000~~] or less;
- (2) a public work that does not involve structural, electrical, or mechanical engineering, if the contemplated expense for the completed project is \$20,000 or less; or
- (3) road maintenance or improvement undertaken by the commissioners court of a county.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Callegari offered the following amendment to **SB 277**:

Amend **SB 277** on third reading as follows:

- (1) On page 15, line 9 between, "board" and "appointed" insert "and one practicing architectural engineer".
- (2) On page 15, line 12, between "Examiners" and "appointed", insert "and one practicing architect".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Chisum offered the following amendment to **SB 277**:

Amend **SB 277** on third reading by striking the sections of the bill added by Item (9) of Amendment No. 4 by Smith (page 2, line 22, through page 3, line 23, of the amendment) and by inserting the following SECTIONS, appropriately numbered:

SECTION __. Section 2, Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

Sec. 2. AGENCY PARTICIPATION. The Texas Board of Professional Engineers [~~following agencies~~] shall be the only state agency that is part of the pilot project created by this Act[~~:-~~

- ~~[(1) the Texas State Board of Public Accountancy;~~
- ~~[(2) the Texas Board of Professional Engineers; and~~
- ~~[(3) the Texas Board of Architectural Examiners].~~

SECTION __. Section 4(c), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

(c) This Act is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, this Act expires September 1, 2009 [~~2003~~].

SECTION __. Section 6(c), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

(c) The ~~[Texas State Board of Public Accountancy shall annually remit \$500,000 to the general revenue fund, the]~~ Texas Board of Professional Engineers shall annually remit \$373,900 ~~[\$50,000]~~ to the general revenue fund~~[-and the Texas Board of Architectural Examiners shall annually remit \$700,000 to the general revenue fund].~~

SECTION __. Section 15(b), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), is amended to read as follows:

(b) If a state agency no longer has status under this Act as a self-directed semi-independent project agency either because of the expiration of this Act or for any other reason, ownership of any property or other asset acquired by the agency during the time the agency participated in the pilot project, including unexpended and unobligated money ~~[fees]~~ in a deposit account in the Texas Treasury Safekeeping Trust Company, shall be transferred to the state.

SECTION __. (a) On the effective date of this Act, the Texas State Board of Public Accountancy and the Texas Board of Architectural Examiners are no longer self-directed semi-independent project agencies under the Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes).

(b) The change in law made by this Act does not affect the obligation of the Texas State Board of Public Accountancy and the Texas Board of Architectural Examiners to remit money to the general revenue fund for the state fiscal year ending August 31, 2003, under Section 6(c), Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), as that law existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 5 was adopted without objection.

HR 1071 - ADOPTED

(by J. Davis)

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1071**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1071, Welcoming a delegation of teachers and students from James F. Bay Elementary School in Houston to the State Capitol on May 8, 2003.

HR 1071 was adopted without objection.

SB 277 - (consideration continued)

SB 277, as amended, was passed.

MAJOR STATE CALENDAR SENATE BILLS SECOND READING

The following bills were laid before the house and read second time:

SB 418 ON SECOND READING**(Smithee, Eiland, Bonnen, Lewis, Swinford, et al. - House Sponsors)**

SB 418, A bill to be entitled An Act relating to the regulation and prompt payment of health care providers; providing penalties.

Amendment No. 1

Representative Hopson offered the following amendment to **SB 418**:

Amend **SB 418** as follows:

(1) In SECTION 3 of the bill, in amended Section 3A(f), Article 3.70-3C, Insurance Code (House committee printing, page 5, lines 7-10), strike Subdivisions (1) and (2) and the colon immediately preceding Subdivision (1) and substitute "pay the total amount of the claim.".

(2) In SECTION 11 of the bill, in amended Section 843.339, Insurance Code (House committee printing, page 31, lines 18-21), strike Subdivisions (1) and (2) and the colon immediately preceding Subdivision (1) and substitute "pay the total amount of the claim.".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Eiland offered the following amendment to **SB 418**:

Amend **SB 418** as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 5-16) and renumber SECTIONS of the bill appropriately.

(2) In existing SECTION 3 of the bill, in amended Section 3A, Article 3.70-3C, Insurance Code, insert a new Subsection (i) to read as follows (page 7, between lines 1 and 2) and reletter subsections and cross-references in the bill appropriately:

(i) The investigation and determination of payment, including any coordination of other payments, does not extend the period for determining whether a claim is payable under Subsection (e) or (f) of this section or for auditing a claim under Subsection (g) of this section.

(3) In existing SECTION 4 of the bill, strike added Section 3F, Article 3.70-3C, Insurance Code, and substitute the following (page 13, line 15, through page 15, line 15):

Sec. 3F. COORDINATION OF PAYMENT. (a) An insurer may require a physician or provider to retain in the physician's or provider's records updated information concerning other health benefit plan coverage and to provide the information to the insurer on the applicable form described by Section 3C of this article. Except as provided by this subsection, an insurer may not require a physician or provider to investigate coordination of other health benefit plan coverage.

(b) Coordination of payment under this section does not extend the period for determining whether a service is eligible for payment under Section 3A(e) or (f) of this article or for auditing a claim under Section 3A(g) of this article.

(c) A physician or provider who submits a claim for particular medical care or health care services to more than one health maintenance organization or insurer shall provide written notice on the claim submitted to each health maintenance organization or insurer of the identity of each other health maintenance organization or insurer with which the same claim is being filed.

(d) On receipt of notice under Subsection (c) of this section, an insurer shall coordinate and determine the appropriate payment for each health maintenance organization or insurer to make to the physician or provider.

(e) Except as provided by Subsection (f) of this section, if an insurer is a secondary payor and pays a portion of a claim that should have been paid by the insurer or health maintenance organization that is the primary payor, the overpayment may only be recovered from the health maintenance organization or insurer that is primarily responsible for that amount.

(f) If the portion of the claim overpaid by the secondary insurer was also paid by the primary health maintenance organization or insurer, the secondary insurer may recover the amount of overpayment under Section 3D of this article from the physician or provider who received the payment. An insurer processing an electronic claim as a secondary payor shall rely on the primary payor information submitted on the claim by the physician or provider. Primary payor information may be submitted electronically by the primary payor to the secondary payor.

(g) An insurer may share information with a health maintenance organization or another insurer to the extent necessary to coordinate appropriate payment obligations on a specific claim.

(h) The provisions of this section may not be waived, voided, or nullified by contract.

(4) In existing SECTION 19 of the bill, strike added Section 843.349, Insurance Code (page 44, line 4, through page 46, line 6), and substitute the following:

Sec. 843.349. COORDINATION OF PAYMENT. (a) A health maintenance organization may require a physician or provider to retain in the physician's or provider's records updated information concerning other health benefit plan coverage and to provide the information to the health maintenance organization on the applicable form described by Section 843.336. Except as provided by this section, a health maintenance organization may not require a physician or provider to investigate coordination of other health benefit plan coverage.

(b) Coordination of other payment under this section does not extend the period for determining whether a service is eligible for payment under Section 843.338 or 843.339 or for auditing a claim under Section 843.340.

(c) A participating physician or provider who submits a claim for particular health care services to more than one health maintenance organization or insurer shall provide written notice on the claim submitted to each health maintenance organization or insurer of the identity of each other health maintenance organization or insurer with which the same claim is being filed.

(d) On receipt of notice under Subsection (c), a health maintenance organization shall coordinate and determine the appropriate payment for each health maintenance organization or insurer to make to the physician or provider.

(e) Except as provided by Subsection (f), if a health maintenance organization is a secondary payor and pays a portion of a claim that should have been paid by the health maintenance organization or insurer that is the primary payor, the overpayment may only be recovered from the health maintenance organization or insurer that is primarily responsible for that amount.

(f) If the portion of the claim overpaid by the secondary health maintenance organization was also paid by the primary health maintenance organization or insurer, the secondary health maintenance organization may recover the amount of the overpayment under Section 843.350 from the physician or provider who received the payment. A health maintenance organization processing an electronic claim as a secondary payor shall rely on the primary payor information submitted on the claim by the physician or provider. Primary payor information may be submitted electronically by the primary payor to the secondary payor.

(g) A health maintenance organization may share information with another health maintenance organization or an insurer to the extent necessary to coordinate appropriate payment obligations on a specific claim.

(5) In existing SECTION 20 of the bill, in Section 2 of added Article 21.52Z, Insurance Code, between "ELECTRONIC SUBMISSION OF CLAIMS." and "The issuer", insert "(a)", (page 49, line 23).

(6) In existing SECTION 20 of the bill, in Section 2 of added Article 21.52Z, Insurance Code, strike "by contract shall" and substitute "by contract may" (page 49, line 24).

(7) In existing SECTION 20 of the bill, in Section 2 of added Article 21.52Z, Insurance Code, insert a new Subsection (b) to read as follows (page 50, between lines 4 and 5):

(b) The issuer of a health benefit plan by contract shall establish a default method to submit claims in a nonelectronic format if there is a system failure or failures or a catastrophic event substantially interferes with the normal business operations of the physician, provider, or health benefit plan or its agents. The health benefit plan issuer shall comply with the standards for nonelectronic transactions established by the commissioner by rule.

(8) In existing SECTION 20 of the bill, strike Section 2A, added Article 21.52Z, Insurance Code (page 50, line 5, through page 51, line 17), and substitute the following:

Sec. 2A. ELECTRONIC SUBMISSION OF CLAIMS: WAIVER. (a) A contract between the issuer of a health benefit plan and a health care professional or health care facility must provide for a waiver of any requirement for electronic submission established under this article.

(b) The commissioner shall establish circumstances under which a waiver is required, including:

(1) circumstances in which no method is available for the submission of claims in electronic form;

(2) the operation of small physician practices;

- (3) the operation of other small health care provider practices;
- (4) undue hardship, including fiscal or operational hardship; or
- (5) any other special circumstance that would justify a waiver.

(c) Any health care professional or health care facility that is denied a waiver by a health benefit plan may appeal the denial to the commissioner. The commissioner shall determine whether a waiver must be granted.

(d) The issuer of a health benefit plan may not refuse to contract or renew a contract with a health care professional or health care facility based in whole or in part on the professional or facility requesting or receiving a waiver or appealing a waiver determination.

(9) Insert the following appropriately numbered SECTION:

SECTION ____ Subchapter J, Chapter 843, Insurance Code, as effective June 1, 2003, is amended by adding Section 843.3405 to read as follows:

Sec. 843.3405. INVESTIGATION AND DETERMINATION OF PAYMENT. The investigation and determination of payment, including any coordination of other payments, does not extend the period for determining whether a claim is payable under Section 843.338 or 843.339 or for auditing a claim under Section 843.340.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Miller offered the following amendment to **SB 418**:

Amend **SB 418** as follows:

(1) On page 11, insert the following between lines 11 and 12 and renumber subsequent sections accordingly:

(g) A claim by a physician, provider or institutional provider is not a clean claim if the insurer reasonably and in good faith believes that it might have been submitted fraudulently. An insurer may take appropriate measures to detect, investigate, prevent payment of, and report as required by law, claims that an insurer in good faith reasonably suspects may be fraudulent in nature. Claims that in good faith of the insurer fall under reasonable suspicion of having been submitted fraudulently are not subject to the other provisions of this section 3C and must be treated in accordance with the insurer's established anti-fraud procedures and with state and/or federal laws and regulations pertaining to the investigation and reporting of suspected insurance fraud.

(2) On page 26 insert the following between lines 19 and 20:

(h) A claim by a physician, provider or institutional provider is not a clean claim if the health maintenance organization reasonably and in good faith believes that it might have been submitted fraudulently. A health maintenance organization may take appropriate measures to detect, investigate prevent payment of, and report as required by law, claims that an insurer in good faith reasonably suspects may be fraudulent in nature. Claims that in good faith of the health maintenance organization fall under reasonable suspicion of having been submitted fraudulently are not subject to the other provisions of this chapter and

must be treated in accordance with the insurer's established anti-fraud procedures and with state and/or federal laws and regulations pertaining to the investigation and reporting of suspected insurance fraud.

(Mercer in the chair)

(Paxton now present)

Representative Eiland moved to table Amendment No. 3.

(Turner and Wohlgemuth now present)

A record vote was requested.

The motion to table prevailed by (Record 545): 130 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Mabry; Madden; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Callegari; Edwards; Miller; Talton.

Present, not voting — Mr. Speaker; Mercer(C).

Absent, Excused — Gallego; Kuempel; Laney; McClendon; Oliveira.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts.

Absent — Grusendorf; Marchant; Moreno, P.; Paxton; Turner.

STATEMENT OF VOTE

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted yes.

Marchant

Amendment No. 4

Representative Eiland offered the following amendment to **SB 418**:

Amend **SB 418** (house committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 3A(j), Article 3.70-3C, Insurance Code, strike "copy of the request" and substitute "notice containing the name of the physician or provider from whom the insurer is requesting information" (page 7, line 24).

(2) In SECTION 4 of the bill, in added Section 3C(e), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 11, line 5).

(3) In SECTION 4 of the bill, in added Section 3H(a), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 17, line 17).

(4) In SECTION 4 of the bill, in added Section 3H(a)(1), Article 3.70-3C, Insurance Code, strike "physician or" in both places it appears and substitute "preferred" (page 17, lines 19 and 22).

(5) In SECTION 4 of the bill, in added Section 3H(a)(3), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 18, line 2).

(6) In SECTION 4 of the bill, in added Section 3H(a)(4), Article 3.70-3C, Insurance Code, strike "physician or" in both places it appears and substitute "preferred" (page 18, lines 6 and 7).

(7) In SECTION 4 of the bill, in added Section 3H(b), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 18, line 11).

(8) In SECTION 4 of the bill, in added Section 3H(c), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 18, line 18).

(9) In SECTION 4 of the bill, in added Section 3I(a), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 19, line 3).

(10) In SECTION 4 of the bill, in added Section 3I(d), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 19, line 27).

(11) In SECTION 4 of the bill, in added Section 3I(g)(2)(A), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 21, line 1).

(12) In SECTION 4 of the bill, in added Section 3I(h), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 21, line 9).

(13) In SECTION 4 of the bill, in added Section 3I(j), Article 3.70-3C, Insurance Code, strike "physician or" and substitute "preferred" (page 21, line 22).

(14) In SECTION 10 of the bill, in added Section 843.3385(e), Insurance Code, strike "copy of the request" and substitute "notice containing the name of the physician or provider from whom the insurer is requesting information" (page 30, line 27).

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representatives Eiland and Goodman offered the following amendment to **SB 418**:

Amend **SB 418** (house committee printing) as follows:

(1) In SECTION 3 of the bill, in amended Section 3A(l)(2), Article 3.70-3C, Insurance Code (page 8, line 14), strike "noncommercial system of bundling edits and logic, if available" and substitute "generally accepted bundling edits and logic".

(2) In SECTION 13 of the bill, in amended Section 843.341(b)(2), Insurance Code (page 34, line 12), strike "noncommercial system of bundling edits and logic, if available" and substitute "generally accepted bundling edits and logic".

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Taylor offered the following amendment to **SB 418**:

Amend **SB 418** as follows:

(1) In SECTION 4 of the bill, in added Section 3E(b), Article 3.70-3C, Insurance Code, between "paid by the insurer" and the period, insert "and shall specify any deductibles, copayments, or coinsurance for which the insured is responsible" (page 12, line 11).

(2) In SECTION 19 of the bill, in added Section 843.347(b), Insurance Code, between "paid by the health maintenance organization" and the period, insert "and shall specify any deductibles, copayments, or coinsurance for which the enrollee is responsible" (page 40, line 20).

(P. Moreno now present)

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Isett offered the following amendment to **SB 418**:

Amend **SB 418** (house committee printing) as follows:

(1) In SECTION 4 of the bill, in added Section 3E(g), Article 3.70-3C, Insurance Code (page 13, line 5), strike "If" and substitute the following: Subject to the insurance policy's contract provisions relating to fraud, material misrepresentation, preexisting conditions, benefit maximums, eligibility of coverage, and exclusions, if

(2) In SECTION 19 of the bill, in added Section 843.347(g), Insurance Code (page 41, line 17), strike "If" and substitute the following: Subject to the health maintenance organization plan's contract provisions relating to fraud, material misrepresentation, preexisting conditions, benefit maximums, eligibility of coverage, and exclusions, if

(Heflin and Luna now present)

SB 418 - STATEMENT OF LEGISLATIVE INTENT

Amendment No. 7

REPRESENTATIVE ISETT: As Mr. Smithee told you, there are two portions of this bill. There is the prompt pay piece of this bill, which says that insurance companies should pay their bills in a timely manner, and there is a verification portion of this bill. And anything that is in the prompt pay piece has nothing to

do with the verification piece. The verification piece is very important to the insurance companies. It is very important to the doctors. When you go in to see your doctor, you present your card, and they call the insurance company, and the insurance company says you have covered benefits for whatever. The way that this legislation is written, it will tend to circumvent the contractual relationship between the insured and the insurer. That is to say, if you go to the doctor, and the doctor calls the insurance company, and the insurance company says, "Yes, they are insured," the way this bill is currently drafted, it will say that the insurance company then is responsible for first dollar coverage. That it is beyond what the contractual relationship is between you and the insurance company because there are things like copays and deductibles. There are things like preexisting conditions. What this amendment seeks to do is say, "Yes, we verify benefits." But that verification is subject to the contractual relationship between the insurance company and the insured. So, all we're asking to do is, is to make sure the insurance company obeys the contract or goes along with the provisions of the contract which they sign with the insured individual.

SB 418 - STATEMENT OF LEGISLATIVE INTENT

Amendment No. 7

REPRESENTATIVE CORTE: John, I've been listening to what Carl had said a while ago about what he's wanting to try to clear, and I've been listening to you. But I'm trying to make sure I fully understand what the language in the bill does and what this amendment does. And it's my understanding the verification process is obviously used to establish that a person has coverage at some point in time, is that not correct?

REPRESENTATIVE SMITHEE: The physician needs to know—and legitimately so—is this person who's presented themselves, are they covered by any insurance? And so, that's the purpose of verification, is for the provider to call the insurance company and obtain a verification that there is indeed coverage for that particular procedure.

CORTE: And that kind of function takes place quite a bit. I know when I take my children to the doctor, of course they ask you, "Have you changed your insurance?" If you do, you know, they'll get that card and they'll verify that on the phone. Sometimes they have other ways to do that, but I think the way that I read the language in this bill, and that this amendment addresses, is that the verification process would be used to also kind of substitute for full and comprehensive claims—

SMITHEE: The last thing Mr. Isett discussed was whether this was going to inadvertently or maybe intentionally require the carrier to pay amounts that the carrier otherwise wouldn't be required to pay, like deductibles, copays, or coinsurance. And that was never the intent of the bill, and I think that Mr. Taylor's previous amendment, which went on the bill, makes that very clear.

CORTE: So—and that's what I want to get to—because before I came to the floor I didn't know that Mr. Taylor had an amendment. I did visit with him, and I've seen the amendment, but I just want to make sure the concern we just talked

about—you know, turning the verification process possibly into, you know, some kind of claims adjudication process, which I don't think is the intent of the bill. Is Mr. Taylor's amendment going to fix that concern?

SMITHEE: I think it fixes most of it. And you've still got, like, if the physician overcharges for the service, or if there's fraud or something like that, the bill still provides that the insurance carrier has six months to do an audit. And if the audit turns up a problem, they can come back and question it. So that verification—basically, it's a promise. It's a guarantee, and all this bill says is—and they don't have to make the guarantee. It's a voluntary promise they make. But once they make it, unless there's fraud or something like that, you're not going to have—I mean, the doctor's entitled to rely on that verification.

CORTE: So, just to go one more time. So, you don't think that the—now, the current language in the bill says that it prevents insurance companies from applying deductibles and copays, what we were talking about a while ago, when paying a provider's bill. So when I get my bill from—my statement of benefits—am I going to know how that's—is this going to interfere in any way in knowing what I owe the doctor or what I might owe the insurance company and how things are paid out?

SMITHEE: Oh, no. No, that's not going to affect that at all. As a patient—if you're talking about you as a patient—no.

CORTE: Yeah, but when I get that statement of benefits from my insurance company for that office visit, and usually they state on there how much was copay, how much was allowed, all that, you know, numbers and figures on there. It's my understanding, the way the bill's written, that it kind of prevents insurance companies from applying those, you know—

SMITHEE: Oh, no. And Mr. Taylor's—his amendment makes that clear. The insurance company will never be responsible for something that they wouldn't have been obligated to pay under the verification in the first place. I mean, copay, deductible, those things, this bill doesn't take something that's not otherwise owed by the carrier and make it owed.

CORTE: Thank you very much, Mr. Smithee.

(Speaker in the chair)

REMARKS ORDERED PRINTED

Representative Corte moved to print remarks by Representative Isett and remarks between Representative Corte and Representative Smithee.

The motion prevailed without objection.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Smithee offered the following amendment to **SB 418**:

Amend **SB 418** (house committee printing) as follows:

(1) In SECTION 4 of the bill, in added Section 3E, Article 3.70-3C, Insurance Code, insert a new Subsection (h) to read as follows (page 13, between lines 12 and 13) and reletter subsections appropriately:

(h) Notwithstanding any other provision of this article, if an insurer declines to verify a medical care or health care service under this section, the physician or provider is not required to comply with any contractual requirement that the physician or provider hold a patient harmless for the medical care or health care service under Section 3(k) of this article. A contract between an insurer and a physician or provider must provide that the exercise of the physician's or provider's rights under this subsection may not be the basis for termination of or discrimination against the physician or provider under the contract or the basis for a penalty or discrimination against the physician or provider in participation in other health care products or plans.

(2) In SECTION 4 of the bill, in Subsection (c) of added Section 3G, Article 3.70-3C, Insurance Code, strike "mailed or otherwise transmitted" (page 16, lines 5-6) and substitute "issued and transmitted".

(3) In SECTION 4 of the bill, in added Section 3J, Article 3.70-3C, Insurance Code, between "process" and "claims", insert "or pay" (page 22, line 5).

(4) In SECTION 16 of the bill, in amended Section 843.344, Insurance Code, between "process" and "claims", insert "or pay" (page 39, line 1).

(5) In SECTION 19 of the bill, in added Section 843.347, Insurance Code, insert a new Subsection (h) to read as follows (page 41, between lines 24 and 25):

(h) Notwithstanding any other provision of this chapter, if a health maintenance organization declines to verify a health care service under this section, the physician or provider is not required to comply with any contractual requirement that the physician or provider hold a patient harmless for the health care service under Section 843.361. A contract between a health maintenance organization and a physician or provider must provide that the exercise of the physician's or provider's rights under this subsection may not be the basis for termination of or discrimination against the physician or provider under the contract or the basis for a penalty or discrimination against the physician or provider in participation in other health care products or plans.

(6) In SECTION 19 of the bill, in Subsection (d) of added Section 843.348, Insurance Code, strike "mailed or otherwise transmitted" (page 42, line 19) and substitute "issued and transmitted".

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Chisum offered the following amendment to **SB 418**:

Amend **SB 418** as follows:

On page 13, after line 14 add a new subsection as follows:

(i) The provisions of this section do not apply to individually underwritten insurance policies.

Representative Eiland moved to table Amendment No. 9.

The motion to table prevailed.

Amendment No. 10

Representative Truitt offered the following amendment to **SB 418**:

Amend **SB 418** (house committee printing) as follows:

(1) In SECTION 4 of the bill, in Subsection (d)(1), added Section 3I, Article 3.70-3C, Insurance Code (page 20, line 3), strike "underpaid amount" and substitute "difference between the billed charges for the amount not timely paid, as submitted on the claim, and the contracted rate for the amount not timely paid".

(2) In SECTION 4 of the bill, in Subsection (e)(1), added Section 3I, Article 3.70-3C, Insurance Code (page 20, line 10), strike "underpaid amount" and substitute "difference between the billed charges for the balance of the claim, as submitted on the claim, and the contracted rate for the balance of the claim".

(3) In SECTION 14 of the bill, in Subsection (d)(1), amended Section 843.342, Insurance Code (page 36, line 8), strike "underpaid amount" and substitute "difference between the billed charges for the amount not timely paid, as submitted on the claim, and the contracted rate for the amount not timely paid".

(4) In SECTION 14 of the bill, in Subsection (e)(1), amended Section 843.342, Insurance Code (page 36, line 15), strike "underpaid amount" and substitute "difference between the billed charges for the balance of the claim, as submitted on the claim, and the contracted rate for the balance of the claim".

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Reyna offered the following amendment to **SB 418**:

Amend **SB 418** in SECTION 20 of the bill, in added Article 21.52Y, Insurance Code (page 48, between lines 18 and 19, house committee printing), by adding Subsection (f) to read as follows:

(f) Section 39.003(a) of this code and Chapter 2110, Government Code, do not apply to the advisory committee established under this article.

Amendment No. 11 was adopted without objection.

Amendment No. 12

Representative Stick offered the following amendment to **SB 418**:

Amend **SB 418** by striking SECTION 21 of the bill (page 52, lines 3-11, house committee report printing) and substituting the following:

SECTION 21. (a) As soon as practicable, but not later than the 30th day after the effective date of this Act, the commissioner of insurance shall appoint the technical advisory committee under Article 21.52Y, Insurance Code, as added by this Act.

(b) As soon as practicable, but not later than the 90th day after the effective date of this Act, the commissioner of insurance shall adopt rules as necessary to implement this Act. The commissioner may use the procedures under Section

2001.034, Government Code, for adopting emergency rules under this subsection. The commissioner is not required to make the finding described by Subsection (a), Section 2001.034, Government Code, to adopt emergency rules under this subsection.

(Farabee in the chair)

Amendment No. 12 was adopted without objection.

(Speaker in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 26).

INTRODUCTION OF GUEST

The speaker recognized Representative Menendez who introduced Dr. William Elizondo of San Antonio.

SB 418 - (consideration continued)

SB 418, as amended, was passed to third reading.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 9 a.m. Saturday, May 10.

The motion prevailed without objection.

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Reyna moved to set a local, consent, and resolutions calendar for 9 a.m. Saturday, May 10.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, upon recess today, Desk 133, for a formal meeting, to consider the calendar.

Financial Institutions, upon noon recess today, Desk 7, for a formal meeting, to consider pending business.

Public Education, upon first recess today, Desk 27, for a formal meeting, to consider **HB 2831**.

Business and Industry, upon noon recess today, Desk 103, for a formal meeting, to consider pending business.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

RECESS

Representative Morrison moved that the house recess until 1:45 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:13 p.m., recessed until 1:45 p.m. today.

AFTERNOON SESSION

The house met at 1:45 p.m. and was called to order by the chair.

UNFINISHED BUSINESS

The following bill was laid before the house as unfinished business:

CSHB 262 ON SECOND READING

(by Wolens)

CSHB 262, A bill to be entitled An Act relating to the funding of convention center hotel facilities in certain municipalities.

Amendment No. 4

Representative Wohlgemuth offered the following amendment to **CSHB 262**:

Amend **CSHB 262** as follows:

(1) On page 4, line 3, after the period, insert the following: "A hotel proposed to be constructed on or after September 1, 2003, does not qualify as a "qualified hotel project" unless the municipality holds an election and the majority of the voters of the municipality voting at the election approve the project."

(2) Add the following appropriately numbered section to the bill and renumber subsequent sections accordingly:

SECTION _____. Section 351.101, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other law, a municipality may not use revenue under Subsection (a)(1) for the acquisition or construction of a convention center hotel on or after September 1, 2003, unless the municipality holds an election and the majority of the voters of the municipality voting at the election approve the use of the tax for that purpose.

Amendment No. 4 was withdrawn.

Representative Wolens moved to postpone consideration of **CSHB 262** until 1:00 p.m. tomorrow.

A record vote was requested.

The motion to postpone prevailed by (Record 546): 87 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Allen; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Eiland; Eissler; Ellis; Farabee; Flynn; Gattis; Geren; Griggs; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Homer; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Madden; McCall; Mercer; Merritt; Morrison; Mowery; Nixon; Olivo; Paxton; Puente; Reyna; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Thompson; Truitt; Van Arsdale; Wilson; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Baxter; Burnam; Campbell; Canales; Crownover; Davis, J.; Davis, Y.; Dunnam; Dutton; Edwards; Farrar; Flores; Garza; Giddings; Guillen; Hodge; Hope; Hopson; Jones, D.; Luna; Mabry; Martinez Fischer; McReynolds; Menendez; Miller; Moreno, J.; Naishtat; Noriega; Peña; Pickett; Quintanilla; Raymond; Rodriguez; Solis; Stick; Talton; Telford; Uresti; Villarreal; West; Wise.

Present, not voting — Mr. Speaker; Hardcastle(C).

Absent, Excused — Gallego; Kuempel; Laney; McClendon; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Corte; Elkins; Goodman; Goolsby; Grusendorf; Marchant; Moreno, P.; Phillips; Riddle; Seaman; Turner.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 1532 ON SECOND READING

(by R. Cook)

HB 1532, A bill to be entitled An Act relating to authority of political subdivisions to exercise the power of eminent domain to acquire rights to water.

HB 1532 was read second time on May 1 and was postponed until 10 a.m. today.

Representative R. Cook moved to postpone consideration of **HB 1532** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

SB 1012 ON SECOND READING

(Raymond and Naishtat - House Sponsors)

SB 1012, A bill to be entitled An Act relating to the placement of electronic monitoring devices in the rooms of certain residents in assisted living facilities.

SB 1012 was considered in lieu of **CSHB 2266**.

SB 1012 was read second time and was passed to third reading.

CSHB 2266 - LAID ON THE TABLE SUBJECT TO CALL

Representative Raymond moved to lay **CSHB 2266** on the table subject to call.

The motion prevailed without objection.

HB 492 ON SECOND READING

(by J. Jones, Hodge, Chavez, Alonzo, and Naishtat)

HB 492, A bill to be entitled An Act relating to the prosecution and punishment of injury to a child, elderly individual, or disabled individual.

HB 492 was read second time on May 6 and was postponed until 10 a.m. today.

Amendment No. 1

Representatives Hodge and J. Jones offered the following amendment to **HB 492**:

Amend **HB 492** as follows:

(1) On page 1, strike lines 9-10, and substitute the following:

SECTION 2. Section 22.004(d), Penal Code, is amended to read as follows:

(2) Strike page 1, line 21, through page 2, line 3.

Amendment No. 1 was adopted without objection.

HB 492, as amended, was passed to engrossment.

HB 973 ON SECOND READING

(by Grusendorf, et al.)

HB 973, A bill to be entitled An Act relating to the applicability of certain laws to public school districts and campuses rated exemplary by the Texas Education Agency.

HB 973 was read second time on May 6 and was postponed until 10 a.m. today.

Representative Grusendorf moved to postpone consideration of **HB 973** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

CSHB 2062 ON SECOND READING

(by Solomons, Chisum, Gallego, and Dunnam)

CSHB 2062, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Licensing and Regulation, including certain functions transferred to the department from the Texas Department of Insurance and the Texas Commission on Environmental Quality and including certain functions transferred from the department to the Department of Public Safety.

CSHB 2062 was read second time on May 7 and was postponed until 10 a.m. today.

Representative Solomons moved to postpone consideration of **CSHB 2062** until 10 a.m. Saturday, May 10.

The motion prevailed without objection.

CSHB 859 ON SECOND READING
(by Madden, Grusendorf, and Eissler)

CSHB 859, A bill to be entitled An Act relating to home-rule school districts.

CSHB 859 was read second time on April 29, postponed until May 1, postponed until May 5, and was again postponed until 11 a.m. today.

Representative Madden moved to postpone consideration of **CSHB 859** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

HR 1086 - ADOPTED
(by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 1086**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1086, Congratulating Valerie Christine Serna on her graduation from The University of Texas at El Paso.

HR 1086 was adopted without objection.

HR 1087 - ADOPTED
(by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 1087**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1087, Honoring Denise Ann Rodriguez on her graduation from New Mexico State University.

HR 1087 was adopted without objection.

HR 1088 - ADOPTED
(by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 1088**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1088, Honoring Jenette Serna on her graduation from The University of Texas at El Paso.

HR 1088 was adopted without objection.

**HR 1070 - ADOPTED
(by Dukes)**

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 1070**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1070, Honoring publisher Tommy Wyatt and the staff of the Villager on the newspaper's 30th anniversary.

HR 1070 was adopted without objection.

**HB 587 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Bonnen called up with senate amendments for consideration at this time,

HB 587, A bill to be entitled An Act relating to the cremation of human remains and the operation of crematories and certain related entities; providing a penalty.

Representative Bonnen moved that the house concur in the senate amendments to **HB 587**.

The motion to concur was withdrawn.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Villarreal on motion of Lewis.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 1606 ON THIRD READING
(by Wolens)**

HB 1606, A bill to be entitled An Act relating to ethics of public servants, including the functions and duties of the Texas Ethics Commission; the regulation of political contributions, political advertising, lobbying, and conduct of public servants; and the reporting of political contributions and personal financial information; providing civil and criminal penalties.

Amendment No. 1

Representative Wolens offered the following amendment to **HB 1606**:

Amend the Wolens amendment on third reading to **HB 1606** as follows:

(1) Strike page 32, lines 13-17, of the amendment and substitute the following:

Sec. 254.0312. BEST EFFORTS. (a) A person required to file a report under this chapter is considered to be in compliance with Section 254.0612, 254.0912, or 254.1212 only if the person or the person's campaign treasurer shows that the person has used best efforts to obtain, maintain, and report the information required by those sections. A person is considered to have used best efforts to obtain, maintain, and report that information if the person or the person's campaign treasurer complies with this section.

(2) On page 33, lines 10, 21, and 26, of the amendment, strike "254.0612" each place it appears and substitute "254.0612, 254.0912, or 254.1212".

(Speaker in the chair)

(McClendon now present)

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Wilson offered the following amendment to **HB 1606**:

Amend **HB 1606** on third reading on page 67, line 16, between the comma and "or", by inserting "the city controller if an elective office.".

(Keel in the chair)

Amendment No. 2 was withdrawn.

HB 1606, as amended, was passed. (Dutton recorded voting no)

HB 1483 ON THIRD READING (by Allen, Capelo, and Wohlgemuth)

HB 1483, A bill to be entitled An Act relating to abolishing the Board of Vocational Nurse Examiners and transferring the functions of that agency to the Board of Nurse Examiners.

HB 1483 was passed.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 2548 ON SECOND READING (by King, Swinford, Baxter, et al.)

CSHB 2548, A bill to be entitled An Act relating to electric transmission capacity.

Amendment No. 1

On behalf of Representative Baxter, Representative King offered the following amendment to **CSHB 2548**:

Amend **CSHB 2548** as follows:

(1) On page 1, lines 18 and 19, strike "Notwithstanding Section 36.054, the commission may authorize incentives or the inclusion" and substitute "Notwithstanding Section 36.054 (a), if the commission determines that conditions warrant the action, the commission may authorize the inclusion".

(2) On page 2, line 6, strike "~~and~~" and substitute "and".

(3) On page 2, line 11, strike "and".

(4) On page 2, lines 15, and 16, strike "(5) the ability of the electric utility to meet the goal for renewable capacity established by Section 39.904 (a)." and substitute "(F) to the extent applicable, the effect of granting the certificate on the ability of this state to meet the goal established by Section 39.904 (a) of this title.".

(5) On page 2, line 22, between "constraints" and the period, insert "within ERCOT in a cost effective manner where the constraints are such that they are not being resolved through Chapter 37 or the ERCOT transmission planning process".

Amendment No. 1 was adopted without objection.

CSHB 2548, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 3152 ON THIRD READING
(by Bonnen)**

HB 3152, A bill to be entitled An Act relating to the potability of and requirements for removing contaminants from groundwater.

HB 3152 was passed.

**HB 498 ON THIRD READING
(by Isett, Hegar, Hupp, Driver, Ellis, et al.)**

HB 498, A bill to be entitled An Act relating to certain reduced fees for a license to carry a concealed handgun.

A record vote was requested.

HB 498 was passed by (Record 547): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.;

Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts.

Absent — Dunnam; Riddle; Smithee; Wise.

HB 1704 ON THIRD READING

(by Taylor, et al.)

HB 1704, A bill to be entitled An Act relating to satisfaction of the residency requirement for eligibility to receive a license to carry a concealed handgun.

A record vote was requested.

HB 1704 was passed by (Record 548): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts.

Absent — Jones, J.; West.

HB 193 ON THIRD READING**(by Pitts)**

HB 193, A bill to be entitled An Act relating to the number of members of an appraisal review board.

HB 193 was passed.

HB 397 ON THIRD READING**(by Mowery)**

HB 397, A bill to be entitled An Act relating to requiring voter approval for the issuance by a municipality or county of certain certificates of obligation.

Representative Talton moved to postpone consideration of **HB 397** until the end of today's general state third reading calendar.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

HB 420 ON THIRD READING**(by Martinez Fischer, Keel, Villarreal, Merritt, Phillips, et al.)**

HB 420, A bill to be entitled An Act relating to the punishment for certain property offenses committed against an elderly individual.

HB 420 was passed.

HB 559 ON THIRD READING**(by B. Brown)**

HB 559, A bill to be entitled An Act relating to the disposition of certain contraband.

HB 559 was passed.

HB 1026 ON THIRD READING**(by Hupp, Rodriguez, Dukes, Miller, Naishtat, et al.)**

HB 1026, A bill to be entitled An Act relating to regulating the use of social security numbers by institutions of higher education.

HB 1026 was passed.

HB 1090 ON THIRD READING**(by Miller, Hughes, Mercer, et al.)**

HB 1090, A bill to be entitled An Act relating to the authority of the Texas Department on Aging to establish a prescription drug information and assistance program.

A record vote was requested.

HB 1090 was passed by (Record 549): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Keel(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts.

(Isett in the chair)

HB 1108 ON THIRD READING **(by Lewis)**

HB 1108, A bill to be entitled An Act relating to the term of office of certain members of an emergency services district.

A record vote was requested.

HB 1108 was passed by (Record 550): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose;

Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Isett(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts.

Absent — Dawson.

STATEMENT OF VOTE

When Record No. 550 was taken, I was in the house but away from my desk. I would have voted yes.

Dawson

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Wohlgemuth on motion of Lewis.

HB 1869 ON THIRD READING (by Baxter, et al.)

HB 1869, A bill to be entitled An Act relating to the admission of certain video testimony into evidence in a proceeding regarding the abuse or neglect of a child.

HB 1869 was passed.

HB 2519 ON THIRD READING (by Flores and Raymond)

HB 2519, A bill to be entitled An Act relating to the regulation of bingo; imposing a tax.

HB 2519 was passed. (Berman and Flynn recorded voting no)

HB 2522 ON THIRD READING (by Krusee, Rose, Stick, and Gattis)

HB 2522, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for the Southwest Texas State University Multi-Institution Teaching Center to finance facilities to address the Central Texas high growth corridor and exempting facilities financed by the bonds from prior approval by Texas Higher Education Coordinating Board.

(Speaker in the chair)

A record vote was requested.

HB 2522 was passed by (Record 551): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts; Wohlgemuth.

Absent — Alonzo; Bohac; Branch; McReynolds.

HB 2554 ON THIRD READING **(by W. Smith, Eiland, et al.)**

HB 2554, A bill to be entitled An Act relating to the application of new requirements for commercial nonhazardous industrial solid waste landfill facilities to be adopted by the Texas Commission on Environmental Quality.

A record vote was requested.

HB 2554 was passed by (Record 552): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle;

Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts; Wohlgemuth.

Absent — Canales; Grusendorf; Harper-Brown; Marchant; Merritt.

HB 2593 ON THIRD READING **(by Homer)**

HB 2593, A bill to be entitled An Act relating to winery permits.

Amendment No. 1

On behalf of Representative Homer, Representative Phillips offered the following amendment to **HB 2593**:

Amend **HB 2593** on third reading as follows:

(1) On page 2, line 11, second reading engrossment, strike "and".

(2) On page 2, line 16, second reading engrossment, between "this state" and the period, insert the following:

; and

(3) sell wine in this state to:

(A) permit holders authorized to sell wine to the ultimate consumer in unbroken packages for off-premises consumption in an amount not to exceed 35,000 gallons annually; and

(B) holder's of wholesaler's permits, winery permits, and wine bottler's permits

Amendment No. 1 was adopted without objection.

HB 2593, as amended, was passed.

HB 2846 ON THIRD READING **(by Farabee)**

HB 2846, A bill to be entitled An Act relating to the authority of the State Office of Administrative Hearings to conduct certain hearings over which the Railroad Commission of Texas has jurisdiction.

A record vote was requested.

HB 2846 was passed by (Record 553): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen;

Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Talton; Taylor; Telford; Thompson; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts; Wohlgemuth.

Absent — Berman; Crabb; Flores; McClendon; Swinford; Truitt; Wolens.

STATEMENT OF VOTE

When Record No. 553 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HB 2898 ON THIRD READING (by Phillips and Homer)

HB 2898, A bill to be entitled An Act relating to the publication of notice in a newspaper in certain counties.

A record vote was requested.

HB 2898 was passed by (Record 554): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts; Wohlgemuth.

Absent — Hochberg; Howard; Nixon; Smith, W.; Thompson; Wise.

HB 2970 ON THIRD READING

(by Naishtat)

HB 2970, A bill to be entitled An Act relating to the state program of temporary assistance and related support services for needy persons.

A record vote was requested.

HB 2970 was passed by (Record 555): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wise; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts; Wohlgemuth.

Absent — Chisum; Harper-Brown; Heflin; Howard; Jones, E.; Madden; Smith, W.; Wilson; Wolens.

HB 3221 ON THIRD READING

(by Bohac and Flores)

HB 3221, A bill to be entitled An Act relating to subdivision platting requirements in certain counties near an international border.

HB 3221 was passed.

HB 3554 ON THIRD READING
(by Raymond and Krusee)

HB 3554, A bill to be entitled An Act relating to motor vehicle inspection facilities near the border of this state and Mexico.

A record vote was requested.

HB 3554 was passed by (Record 556): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smithee; Solis; Solomons; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wong; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts; Wohlgemuth.

Absent — Davis, J.; Dunnam; Eiland; Howard; Jones, E.; Madden; Noriega; Smith, W.; Talton; Wolens; Woolley.

HB 3477 ON THIRD READING
(by Stick, Hupp, Bohac, Hopson, Driver, et al.)

HB 3477, A bill to be entitled An Act relating to the issuance of concealed handgun licenses to residents of certain other states and to reciprocity agreements with other states concerning concealed handgun licenses.

A record vote was requested.

HB 3477 was passed by (Record 557): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf;

Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; West; Wilson; Wise; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Kuempel; Laney; Oliveira; Villarreal.

Absent, Excused, Committee Meeting — Pitts; Wohlgemuth.

Absent — Berman; Davis, J.; Howard; Smithee.

STATEMENT OF VOTE

When Record No. 557 was taken, my vote failed to register. I would have voted yes.

Howard

HB 1366 ON THIRD READING

(by Elkins)

HB 1366, A bill to be entitled An Act relating to the environmental regulation and remediation of certain dry cleaning facilities; providing penalties.

HB 1366 was passed. (Taylor recorded voting no)

(Taylor in the chair)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 397 ON THIRD READING

(by Mowery)

HB 397, A bill to be entitled An Act relating to requiring voter approval for the issuance by a municipality or county of certain certificates of obligation.

HB 397 was read third time earlier today and was postponed until this time.

Representative J. Davis moved to postpone consideration of **HB 397** until 4 p.m. today.

The motion prevailed without objection.

GENERAL STATE CALENDAR

HOUSE BILLS

SECOND READING

The following bills were laid before the house and read second time:

CSHB 3419 ON SECOND READING**(by J. Davis)**

CSHB 3419, A bill to be entitled An Act relating to procedural and technical corrections and clarification of the Property Tax Code, procedures for the seizure of property, and distribution of ad valorem tax sale proceeds.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 3419**:

Amend **CSHB 3419**, SECTION 3, subsection (h)(3)(i) as follows:

On page 7, line 14, between "to" and "receive", insert "provide, give or"

Amendment No. 1 was adopted without objection.

CSHB 3419, as amended, was passed to engrossment.

CSHB 59 ON SECOND READING**(by Wise, Riddle, West, Morrison, Van Arsdale, et al.)**

CSHB 59, A bill to be entitled An Act relating to the prosecution of and punishment for the offenses of kidnapping and aggravated kidnapping.

Amendment No. 1

Representative Capelo offered the following amendment to **CSHB 59**:

Amend **CSHB 59** as follows:

On page 1, line 10, after "injury" add ", or the person abducted was younger than 17 years of age at the time of the commission of the offense".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Wise and Riddle offered the following amendment to **CSHB 59**:

Amend **CSHB 59**, on page 2, between lines 10 and 11, by inserting the following SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION 3. Title 5, Penal Code, is amended by adding Chapter 20A to read as follows:

CHAPTER 20A. TRAFFICKING OF PERSONS

Sec. 20A.01. DEFINITIONS. In this chapter:

(1) "Forced labor or services" means labor or services that are performed or provided by another person and obtained through an actor's:

(A) threatening to cause bodily injury to another;

(B) restraining another in a manner described by Section 20.01(1);

or

(C) withholding from another the person's:

(i) government records;

(ii) identifying information; or

(iii) personal property.

(2) "Traffic" means to transport another person or to entice, recruit, harbor, provide, or otherwise obtain another person for transport by deception, coercion, or force.

Sec. 20A.02. TRAFFICKING OF PERSONS. (a) A person commits an offense if the person knowingly traffics another person with the intent that the trafficked person engage in:

(1) forced labor or services; or

(2) conduct that constitutes an offense under Chapter 43.

(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(1) the offense is committed under Subsection (a)(2) and the person who is trafficked is younger than 14 years of age at the time of the offense; or

(2) the commission of the offense results in the death of the person who is trafficked.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 4. Section 71.02(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, he commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

(7) any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;

(8) any felony offense under Chapter 32[, ~~Penal Code~~];

(9) any offense under Chapter 36[, ~~Penal Code~~];

(10) any offense under Chapter 34[, ~~Penal Code~~]; ~~or~~

(11) any offense under Section 37.11(a); or

(12) any offense under Chapter 20A[, ~~Penal Code~~].

Amendment No. 2 - Point of Order

Representative Keel raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 2

CSHB 59, as amended, was passed to engrossment.

CSHB 60 ON SECOND READING
(by Wise, Riddle, West, and Van Arsdale)

CSHB 60, A bill to be entitled An Act relating to the punishment for the offense of possessing or promoting child pornography.

Representative West moved to postpone consideration of **CSHB 60** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

CSHB 3439 ON SECOND READING
(by Rose)

CSHB 3439, A bill to be entitled An Act relating to the liability of certain health care practitioners for examinations and medical screenings of students.

Amendment No. 1

Representative Rose offered the following amendment to **CSHB 3439**:

Amend **CSHB 3439** (Committee Printing) as follows:

- (1) On page 1, line 14, strike "or".
- (2) On page 1, line 16, strike the period and substitute "; or".
- (3) On page 1, between lines 16 and 17, insert the following:
(D) as a chiropractor under Chapter 201, Occupations Code.
- (4) On page 3, strike lines 14 and 15 and substitute the following:
(b) This chapter does not:
 - (1) limit the liability of a school district to its students, teachers, or staff; or
 - (2) affect a school district's liability limits or immunities under Chapter 101.

Amendment No. 1 was adopted without objection.

CSHB 3439, as amended, was passed to engrossment.

HB 982 ON SECOND READING
(by Talton)

HB 982, A bill to be entitled An Act relating to the authority of a peace officer to make a warrantless arrest when a person confesses to committing a felony.

HB 982 was passed to engrossment.

HB 1005 ON SECOND READING
(by Haggerty)

HB 1005, A bill to be entitled An Act relating to emergency orders and penalties for rock crushers and concrete plants.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Chisum, Representative Haggerty offered the following committee amendment to **HB 1005**:

Amend **HB 1005** on page 1, line 20, between "day" and "that", by inserting "for a maximum of 10 days.".

Amendment No. 1 was adopted without objection.

HB 1005, as amended, was passed to engrossment.

HB 1034 ON SECOND READING
(by Driver)

HB 1034, A bill to be entitled An Act relating to the authority of a judge or justice to defer the proceedings in certain criminal cases involving the operation of a motor vehicle by the holder of a commercial driver's license.

Representative Driver moved to postpone consideration of **HB 1034** until 10 a.m. Tuesday, May 13.

The motion prevailed without objection.

CSHB 1017 ON SECOND READING
(by Villarreal, Pitts, Madden, and Swinford)

CSHB 1017, A bill to be entitled An Act relating to subsidized child-care services.

Representative Talton moved to postpone consideration of **CSHB 1017** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

HB 1082 ON SECOND READING
(by Talton)

HB 1082, A bill to be entitled An Act relating to remedies for the unequal appraisal of property by an appraisal district.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 1082**:

Amend **HB 1082** by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS appropriately:

SECTION _____. (a) Section 6.025, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) If on May 1 all the chief appraisers of the appraisal districts described by Subsection (a) in which a parcel or item of property is located are not in agreement as to the appraised or market value of the property, on that date each of

the chief appraisers shall enter as the appraised or market value of the property on the appraisal records of the appropriate appraisal district the lowest appraised or market value of the property as determined by any of the chief appraisers. If as a result of a protest, appeal, or other action the appraised or market value of the property is subsequently reduced in any of the appraisal districts, the chief appraiser shall notify each of the appraisal districts of the reduced appraised or market value. The chief appraiser of each appraisal district shall enter that reduced appraised or market value on the appraisal records as the appraised or market value of the property. If the appraised or market value is reduced in more than one appraisal district, each chief appraiser shall enter the lowest of those values on the appraisal records.

(b) This section takes effect January 1, 2004, and applies only to the appraisal for ad valorem tax purposes of property for a tax year that begins on or after that date.

Amendment No. 1 was adopted without objection.

(Laney now present)

Amendment No. 2

Representative Haggerty offered the following amendment to **HB 1082**:

Amend **HB 1082** by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS accordingly:

SECTION _____. Section 43.01, Tax Code, is amended to read as follows:

Sec. 43.01. AUTHORITY TO BRING SUIT. (a) The following persons [~~A taxing unit~~] may sue the appropriate appraisal district or the appraisal review board established for that appraisal district [~~that appraises property for the unit~~] to compel the appraisal district or appraisal review board to comply with the provisions of this title, rules of the comptroller, or other applicable law:

(1) a taxing unit;

(2) a property owner;

(3) a lessee of property who is contractually obligated to pay taxes imposed on the property;

(4) an agent of a property owner designated under Section 1.111; or

(5) any other person authorized to bring an action on behalf of a person listed in Subdivisions (1)-(4).

(b) The court shall award court costs and reasonable attorney's fees to a plaintiff who prevails in a suit brought under this section.

SECTION _____. (a) Section 43.01, Tax Code, as amended by this Act takes effect September 1, 2003.

(b) The changes in law made by Section 43.01, Tax Code, as amended by this Act apply only to a suit filed under Section 43.01, Tax Code, on or after the effective date of this Act. A suit filed under Section 43.01, Tax Code, before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

HB 1082 - STATEMENT OF LEGISLATIVE INTENT
Amendment No. 2

REPRESENTATIVE HILL: Mr. Haggerty, I seem to recall this bill. Was this a bill that you had filed?

REPRESENTATIVE HAGGERTY: Yes, sir.

HILL: Did this go to Local Government Ways and Means?

HAGGERTY: Yes, sir, it did.

HILL: Did you get a local hearing in Local Government Ways and Means?

HAGGERTY: Yes, sir, I did.

HILL: Did Local Government Ways and Means pass your bill out?

HAGGERTY: No, sir. It was left pending.

HILL: I'm sorry?

HAGGERTY: It was left pending. There was no one opposed to the bill.

HILL: Really?

HAGGERTY: Yes, sir. There were some neutral people in your committee.

HILL: You even said that with a straight face.

HAGGERTY: No I didn't. I smiled. You were the one that told me that they were neutral.

HILL: Well, I was just reading from the witness affirmation forms.

HAGGERTY: I see.

HILL: So, what would be the impact of this? Let's say that you go the ARB.

HAGGERTY: Mr. Hill, this has absolutely nothing to do with an appraisal—what the amount of money—what this says is if the CAD or ARB violates the law, that that taxpayer has the right to take them to court.

HILL: What would be an example of a violation of the law?

HAGGERTY: Well, let me give you a perfect example. Under the current regulations, it says that a preponderance of the evidence shall determine whether or not the taxpayer prevails or whether the CAD prevails. In almost every CAD and ARB in this state right now, all you have to do is have the CAD say we don't like that, and whether there is a pile this high on the taxpayer's side, they have no recourse.

HILL: Now, we are speaking of the ARB—we're not speaking on the CAD, right?

HAGGERTY: ARB, well actually no. The ARB is the guy sitting in the middle. You have the taxpayer over here with the preponderance of the evidence. The CAD sits over here and says no, we don't like that value, and the ARBs who are being paid by the CADs are constantly—are being paid by the taxpayers really—they're being hired by the CADs.

HILL: That's the appraisal review board?

HAGGERTY: That's exactly right. All this says is if they are violating the law—and it states in here very simply if they're going against anything that the comptroller has put down as law, the property tax board has put down as law—if they are violating any of those, that taxpayer would have the right to go to court. And if they prevail and prove that they were in fact violating the law, then the CAD would be required to pay their attorney's fees.

HILL: But if they simply rule against you, and then you decide to take them to court?

HAGGERTY: No, it has nothing to do with value. It has to be a violation of the law.

HILL: So, if they simply rule against you and you decide to appeal it, and we passed a bill here the other day that would allow you to appeal to the justice of the peace court.

HAGGERTY: That is true. In certain cases, yes, if it is within the statute.

HILL: And if you fail in your appeal, you would of course not get any?

HAGGERTY: Exactly. That is exactly right.

HILL: And you would not be eligible for any attorney's fees or any of those kind of things?

HAGGERTY: Exactly. Absolutely not.

HILL: So, you are taking a little risk when you appeal above the ARB, right?

HAGGERTY: That's exactly right.

HILL: And you would not expect to be—to have attorneys representing you before the ARB, would you?

HAGGERTY: You certainly—well, you would in court.

HILL: In court you might, but not necessarily.

HAGGERTY: Not in front of the ARB.

HILL: But not in front of the ARB?

HAGGERTY: No, sir.

HILL: And you would be looking at an absolute strict clear-cut violation of the law?

HAGGERTY: Well, that would be determined by the court, Mr. Hill.

HILL: And that's the only place you could hope to recover attorney's fees?

HAGGERTY: Exactly.

REMARKS ORDERED PRINTED

Representative Hill moved to print remarks between Representative Hill and Representative Haggerty.

The motion prevailed without objection.

Amendment No. 2 was adopted without objection.

HB 1082, as amended, was passed to engrossment.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Wolens on motion of Goolsby.

HR 1104 - ADOPTED
(by Mabry)

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 1104**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1104, Commemorating the 50th anniversary of the Waco Tornado.

HR 1104 was adopted without objection.

On motion of Representative Madden, the names of all the members of the house were added to **HR 1104** as signers thereof.

HB 1223 ON SECOND READING
(by Madden)

HB 1223, A bill to be entitled An Act relating to continuation of a residence homestead ad valorem tax exemption when the owner temporarily ceases occupying the homestead due to military service or other causes.

Amendment No. 1

Representative Madden offered the following amendment to **HB 1223**:

Amend **HB 1223** on page 1, line 13, between "year" and the semicolon, by inserting "and the owner intends to return and occupy the structure as the owner's principal residence".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Mabry offered the following amendment to **HB 1223**:

Amend **HB 1223** on page 1, line 13, by striking "one year" and substituting "two years".

Amendment No. 2 was adopted without objection.

HB 1223, as amended, was passed to engrossment.

HB 1368 ON SECOND READING
(by McReynolds)

HB 1368, A bill to be entitled An Act relating to the prosecution and punishment of the offense of making a false report to a peace officer or law enforcement employee.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hupp, Representative McReynolds offered the following committee amendment to **HB 1368**:

Amend **HB 1368** on page 2, lines 1-2, by striking "state jail felony" and substituting "Class A misdemeanor".

Amendment No. 1 was adopted without objection.

HB 1368, as amended, was passed to engrossment.

HB 1425 ON SECOND READING
(by Keel, Raymond, Naishtat, and Stick)

HB 1425, A bill to be entitled An Act relating to the prosecution of the offense of sexual assault committed against residents of certain facilities.

Representative Keel moved to postpone consideration of **HB 1425** until 2 p.m. tomorrow.

The motion prevailed without objection.

HB 1426 ON SECOND READING
(by Keel, Raymond, Naishtat, and Stick)

HB 1426, A bill to be entitled An Act relating to creating offenses for abandoning or endangering an elderly individual or disabled individual and for failing to provide certain care for a child, elderly individual, or disabled individual.

Representative Keel moved to postpone consideration of **HB 1426** until 2 p.m. tomorrow.

The motion prevailed without objection.

HB 1661 ON SECOND READING
(by Haggerty)

HB 1661, A bill to be entitled An Act relating to the carrying of certain weapons by a person who holds a security officer commission issued by the Texas Commission on Private Security.

HB 1661 was passed to engrossment.

CSHB 1681 ON SECOND READING
(by Stick, et al.)

CSHB 1681, A bill to be entitled An Act relating to the amount of compensation and allowances for certain county auditors.

CSHB 1681 was passed to engrossment.

CSHB 1686 ON SECOND READING
(by Chisum)

CSHB 1686, A bill to be entitled An Act relating to pharmacies that maintain emergency medication kits at certain institutions.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 1686**:

Amend **CSHB 1686** (House Committee Report) on page 1, line 12, between the period and "The", by inserting "A Class E pharmacy may not maintain drugs in an emergency medication kit for an institution that is located more than 20 miles from the pharmacy."

Amendment No. 1 was adopted without objection.

CSHB 1686, as amended, was passed to engrossment.

(Wohlgemuth now present)

CSHB 1921 ON SECOND READING

(by Capelo, Wohlgemuth, Delisi, Coleman, J. Keffer, et al.)

CSHB 1921, A bill to be entitled An Act relating to the immunization registry.

Amendment No. 1

Representative Capelo offered the following amendment to **CSHB 1921**:

Amend **CSHB 1921** as follows:

(1) On page 4, line 2, strike "may" and substitute "shall".
(2) On page 4, between lines 15 and 16, insert the following and reletter the subsequent subsections of amended Section 161.007, Health and Safety Code, accordingly:

(g) The department shall provide instruction and education to providers about the immunization registry provider application and enrollment process. The department shall:

(1) initially target providers in the geographic regions of the state with immunization rates below the state average for preschool children; and

(2) expedite the processing of provider applications.

(3) On page 5, strike lines 24-27.

(4) On page 6, strike lines 1-10 and substitute the following:

(b) On discovering that consent to be included in the registry has not been granted, the department shall exclude the child's immunization records from the registry and any other registry-related department record that individually identifies the child.

(c) On receipt of a written request to exclude a child's immunization records from the registry, the department shall send to a parent, managing conservator, or guardian who makes the request a written confirmation of receipt of the request for exclusion and shall exclude the child's records from the registry.

(d) The department commits a violation if the department fails to exclude a child's immunization information from the registry as required by Subsection (b) or (c).

(5) On page 6, line 15, strike "(b)" and substitute "(c)".

(6) On page 7, between lines 7 and 8, insert the following:

(c) The board shall develop rules to ensure that the immunization history submitted by a parent, managing conservator, or guardian is medically verified immunization information.

(7) On page 9, line 2, strike "and".

(8) On page 9, line 5, between "immunization" and the period, insert the following:

;

(10) include department recommendations about the best way to use, and communicate with, local registries in the state; and

(11) include ways to increase provider participation in the registry

(9) On page 10, line 15, between "department" and "that", insert a comma.

(10) On page 10, line 19, strike the comma.

(11) On page 10, line 27, and page 11, line 1, strike "individually identifiable".

(12) On page 11, line 2, between the semicolon and "or", insert the following:

(2) fails to exclude a child's immunization information in violation of Section 161.0071;

(13) On page 11, line 3, strike "(2)" and substitute "(3) [~~(2)~~]".

(14) On page 11, line 3, strike "individually identifiable".

(15) On page 11, strike lines 8-15 and substitute the following:

SECTION 6. (a) As soon as practicable, but not later than January 1, 2005, the Texas Board of Health shall adopt rules and forms necessary to implement this Act.

(16) On page 11, line 27, and page 12, line 1, strike "September 1, 2004" and substitute "January 1, 2005".

Amendment No. 1 was adopted without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSHB 1921 - (consideration continued)

Amendment No. 2

Representative Truitt offered the following amendment to **CSHB 1921**:

Amend **CSHB 1921** on page 6, line 15, after the period, by inserting "The written statement may include the electronic signature on the child's birth certificate."

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Truitt offered the following amendment to **CSHB 1921**:

Amend **CSHB 1921** on page 10, lines 8 and 9, by striking "responsible for the health care" and substituting "having legal custody".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Isett offered the following amendment to **CSHB 1921**:

Amend **CSHB 1921** as follows:

Add a new section to Section 161 of the Health and Safety Code as follows:

COMPLIANCE WITH FEDERAL LAW. If the provisions of this chapter relating to the use or disclosure of information in the registry are more stringent than the Health Insurance Portability and Accountability Act and Privacy Standards, as defined by Section 181.001, then the use or disclosure of information in the registry is governed by this chapter.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Isett offered the following amendment to **CSHB 1921**:

Amend **CSHB 1921** on page 5, line 9, between "child" and "from" insert "for whom the department has received consent to be included in the registry.".

Amendment No. 5 was adopted without objection.

CSHB 1921, as amended, was passed to engrossment. (Howard recorded voting no)

CSHB 2372 ON SECOND READING
(by Hardcastle)

CSHB 2372, A bill to be entitled An Act relating to livestock branding and identification.

Representative Hardcastle moved to postpone consideration of **CSHB 2372** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

HB 2525 ON SECOND READING
(by Ellis)

HB 2525, A bill to be entitled An Act relating to the punishment of certain assaults committed against persons who contract with government and employees of those persons.

HB 2525 was passed to engrossment.

HB 3168 ON SECOND READING
(by Giddings)

HB 3168, A bill to be entitled An Act relating to an alternative medical dispute resolution process for low-cost medical services in the Texas workers' compensation system.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 3168**:

Amend **HB 3168** as follows:

(1) Add a new Section 2 as follows:

SECTION 2. Section 408.123, Labor Code, is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

(d) Except as provided in subsections (e), (f) and (g), the first valid certification of maximum medical improvement and the first valid assignment of impairment rating to an employee are final if the certification of maximum medical improvement and/or the assigned impairment rating is not disputed within 90 days after written notification of the maximum medical improvement and/or assignment of impairment rating is provided to the claimant and the carrier by verifiable means.

(e) The first certification of maximum medical improvement and/or impairment rating may be disputed after the 90-day period if:

(1) There is compelling medical evidence establishing the following:

(A) a significant error on the part of the certifying doctor in applying the appropriate American Medical Association Guides and/or calculating the impairment rating;

(B) a clear mis-diagnosis or a previously undiagnosed medical condition; or

(C) prior improper or inadequate treatment of the injury which would render the certification of maximum medical improvement or impairment rating invalid; or

(2) There are other compelling circumstances as established by Commission rule.

(f) If an employee has not been certified as having reached maximum medical improvement before the expiration of 104 weeks from the date on which income benefits begin to accrue or the expiration of the date of any extension under §408.104, the impairment rating assigned after the end of the 104 weeks or after the end of the extended period under §408.104 is final if the impairment rating is not disputed within 90 days after written notification of the maximum medical improvement and/or assignment of impairment rating is provided to the claimant and the carrier by verifiable means.

(g) If a disputed certification of maximum medical improvement or assignment of impairment rating is finally modified, overturned or withdrawn, the first subsequent certification and assignment becomes final if it is not disputed within 90 days after written notification of maximum medical improvement and/or assignment of impairment rating is provided to the claimant and the carrier by verifiable means.

(2) Renumber sections as necessary.

Amendment No. 1 was adopted without objection.

HB 3168, as amended, was passed to engrossment.

HB 3184 ON SECOND READING **(by Hill)**

HB 3184, A bill to be entitled An Act relating to the financing, construction, improvement, maintenance, and operation of toll facilities by the Texas Department of Transportation.

(Speaker in the chair)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Heflin on motion of Lewis.

Luna on motion of Lewis.

Turner on motion of Lewis.

Wohlgemuth on motion of Lewis.

HB 3184 - (consideration continued)

Amendment No. 1

Representative Haggerty offered the following amendment to **HB 3184**:

Amend **HB 3184** as follows:

(1) Strike SECTION 76 of the bill (page 52, lines 8-12) and substitute the following:

SECTION 76. Sections 222.103(i), 361.005, 361.043, 361.046, 361.0485, 361.049, 361.050, 361.051, 361.052, 361.053, 361.055, 361.102, 361.184(f), 361.231(b), 361.237, 361.308, 362.001(1), 362.052, 362.053, and 621.102(h), Transportation Code, are repealed.

(2) Insert the following appropriately numbered SECTION immediately following current SECTION 1 (page 1, between lines 14 and 15) and renumber subsequent SECTIONS appropriately:

SECTION _____. Section 222.103(j), Transportation Code, is amended to read as follows:

(j) Notwithstanding Subsection (i), the Texas Turnpike Authority division of the department, or a successor agency, may enter into exclusive development agreements on four projects before March 1, 2006 [2004]. This subsection expires March 1, 2006 [2004].

Representative Hill moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 558): 68 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Christian; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Eiland; Eissler; Gattis; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hughes; Hunter; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Laubenberg; Madden; Marchant; McCall; Mercer; Morrison; Mowery; Naishtat; Nixon; Paxton; Phillips; Reyna; Riddle; Rose; Seaman; Smithe; Solomons; Stick; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen; Alonzo; Burnam; Canales; Castro; Chavez; Chisum; Coleman; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Geren; Goodman; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Homer; Hopson; Hupp; Isett; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Smith, W.; Solis; Telford; Thompson; Uresti; Wilson; Wise.

Present, not voting — Mr. Speaker(C); Callegari.

Absent, Excused — Gallego; Kuempel; Oliveira; Villarreal; Wolens.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts; Turner; Wohlgemuth.

Absent — Bailey; Capelo; Edwards; Giddings; Goolsby; Howard; Moreno, P.; Swinford.

Amendment No. 2

Representative Haggerty offered the following amendment to **HB 3184**:

Amend **HB 3184** by striking SECTION 76 of the bill (page 52, lines 8-12) and substituting the following:

SECTION 76. Sections 222.103(j), 361.005, 361.043, 361.046, 361.0485, 361.049, 361.050, 361.051, 361.052, 361.053, 361.055, 361.102, 361.184(f), 361.231(b), 361.237, 361.308, 362.001(1), 362.052, 362.053, and 621.102(h), Transportation Code, are repealed.

Amendment No. 2 was withdrawn.

Amendment No. 1 - Vote Reconsidered

Representative Hill moved to reconsider the vote by which Amendment No. 1 was tabled.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keel requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 5:30 p.m. today, speakers committee room, for a formal meeting, to consider pending business.

HB 3184 - (consideration continued)

Amendment No. 3

Representative Haggerty offered the following amendment to **HB 3184**:

Amend **HB 3184** as follows:

(1) Strike SECTION 76 of the bill (page 52, lines 8-12) and substitute the following:

SECTION 76. Sections 222.103(i), 361.005, 361.043, 361.046, 361.0485, 361.049, 361.050, 361.051, 361.052, 361.053, 361.055, 361.102, 361.184(f), 361.231(b), 361.237, 361.308, 362.001(1), 362.052, 362.053, and 621.102(h), Transportation Code, are repealed.

(2) Insert the following appropriately numbered SECTION immediately following current SECTION 1 (page 1, between lines 14 and 15) and renumber subsequent SECTIONS appropriately:

SECTION _____. Section 222.103(j), Transportation Code, is amended to read as follows:

(j) Notwithstanding Subsection (i), the Texas Turnpike Authority division of the department, or a successor agency, may enter into exclusive development agreements on four projects before March 1, 2006 [2004]. This subsection expires March 1, 2006 [2004].

Representative Hill moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 559): 69 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Campbell; Casteel; Christian; Cook, B.; Corte; Crabb; Crownover; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Flynn; Gattis; Goodman; Griggs; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Morrison; Mowery; Nixon; Paxton; Phillips; Reyna; Riddle; Seaman; Smith, T.; Smithee; Stick; Talton; Taylor; Telford; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen; Alonzo; Brown, F.; Burnam; Callegari; Canales; Castro; Chavez; Coleman; Cook, R.; Davis, J.; Davis, Y.; Dunnam; Dutton; Elkins; Ellis; Farabee; Farrar; Flores; Garza; Giddings; Guillen; Gutierrez; Haggerty; Hardcastle; Hochberg; Hodge; Homer; Hopson; Jones, J.; Kolkhorst; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Thompson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Kuempel; Oliveira; Villarreal; Wolens.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts; Turner; Wohlgemuth.

Absent — Bailey; Capelo; Chisum; Deshotel; Dukes; Eiland; Geren; Goolsby; Grusendorf; Menendez; Pickett; Puente; Rose; Smith, W.; Solomons; Swinford; Uresti; Wilson.

Amendment No. 4

Representative Alonzo offered the following amendment to **HB 3184**:

Amend **HB 3184** on page 52, line 9, by striking "361.050,".

(Capelo in the chair)

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Thompson offered the following amendment to **HB 3184**:

Amend **HB 3184**, on page 47, line 6, between "exceed" and "the value", insert "one-third of".

Amendment No. 5 was adopted without objection.

HR 1106 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1106**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1106, In memory of Senaida Villareal Garcia of Harlingen.

HR 1106 was unanimously adopted by a rising vote.

HB 587 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Marchant called up with senate amendments for consideration at this time,

HB 587, A bill to be entitled An Act relating to the cremation of human remains and the operation of crematories and certain related entities; providing a penalty.

On motion of Representative Marchant, the house concurred in the senate amendments to **HB 587**.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 587** by striking Sec. 716.203(d)(1) in its entirety and relettering subsequent sections appropriately (committee printing page 7, lines 7-5 - 7-7).

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 587** in SECTION 2 of the bill, by striking "a representative", in Subsection (a), of Proposed Section 716.052, Health and Safety Code (Committee Printing page 4, line 53), and substituting "representatives".

Senate Amendment No. 3 (Senate Floor Amendment No. 4)

Amend **HB 587** (Committee Printing) as follows:

(1) In SECTION 2 of the bill, in Subdivision (6), Subsection (a), of proposed Section 716.052, Health and Safety Code (page 3, line 6), between "declare" and "the", insert "that to their knowledge".

Senate Amendment No. 4 (Senate Floor Amendment No. 5)

Amend **HB 587** in SECTION 2 of the bill, in proposed Section 716.203, Health and Safety Code (Committee Printing, page 7, between lines 9 and 10), by adding Subsection (e) to read as follow:

(e) The commission may not initiate disciplinary action against a crematory establishment on the basis of a complaint based on the conduct of an employee, agent, or representative of the establishment that is:

- (1) performed outside of the scope and authority of employment; or
- (2) contrary to the written instructions of the crematory establishment.

HB 3184 - (consideration continued)**Amendment No. 6**

Representative Alonzo offered the following amendment to **HB 3184**:

Amend **HB 3184** on page 52, line 9, by striking "361.050,".

HB 3184 - STATEMENT OF LEGISLATIVE INTENT**Amendment No. 6**

REPRESENTATIVE Y. DAVIS: I just want to be clear about what we're doing, because I don't want to misrepresent what we're doing here. Representative Alonzo, is your understanding that tomorrow we'll take the language, amend your amendment—or amend the bill to address the issue relative to making sure that we've not cut out people in terms of participation in these contracts? Is that your understanding?

REPRESENTATIVE ALONZO: That's correct, Ms. Davis. And that was part of the discussion we were having. It's our understanding from the discussion that there's current language that would do what you're talking about, and what we decided to do is to accept this amendment and deal with your concerns on the third reading.

Y. DAVIS: And is it your understanding, with Chairman Hill, that we will make sure that it's permissive? We're not trying to prevent the EDA structure, we're just trying to protect everybody who participates in it, is that your understanding?

ALONZO: And furthermore Ms. Davis, it's our understanding, in discussion with the Department of Transportation, that is not the intent. So that's why—well, part of the deal is going to be, we're going to accept this amendment, and then clarify it on third reading.

Amendment No. 6 was adopted without objection.

REMARKS ORDERED PRINTED

Representative Y. Davis moved to print remarks between Representative Y. Davis and Representative Alonzo.

The motion prevailed without objection.

HB 3184, as amended, was passed to engrossment.

HB 3185 ON SECOND READING
(by Hill)

HB 3185, A bill to be entitled An Act relating to the formula program for distribution of state grants to public transportation providers.

Amendment No. 1

Representative Hill offered the following amendment to **HB 3185**:

Amend **HB 3185** as follows:

On page 2, line 3, strike "256.024" and substitute "456.024".

HB 3185 - POINT OF ORDER

Representative Canales raised a point of order against further consideration of **HB 3185** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis identifies a statute different from that listed in the bill.

(Speaker in the chair)

The speaker overruled the point of order, speaking as follows:

Ms. Canales raises a point of order against further consideration of **HB 3185** under House Rule 4, Section 32(c)(2) in that the bill analysis identifies as repealed a different statute from that listed in the bill.

In context, it is clear that the difference is a minor typographical error.

Accordingly, the point of order is respectfully overruled.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

HB 3185 - (consideration continued)

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Ellis offered the following amendment to **HB 3185**:

Amend **HB 3185** (House Committee Report) on page 2 by striking lines 5-9 and substituting the following:

SECTION 3. This Act takes effect September 1, 2004.

Amendment No. 2 was adopted without objection.

HB 3185 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CHISUM: Mr. Hill, for the purpose of legislative intent, is it your intent that the TXDOT commission hold public hearings in various areas of the state to determine the area's need for public transportation in those areas?

REPRESENTATIVE HILL: Yes, sir, that's my intent.

REMARKS ORDERED PRINTED

Representative Chisum moved to print remarks between Representative Chisum and Representative Hill.

The motion prevailed without objection.

HB 3185, as amended, was passed to engrossment.

CSHB 3203 ON SECOND READING

(by Delisi, Capelo, Driver, Heflin, R. Cook, et al.)

CSHB 3203, A bill to be entitled An Act relating to the creation of the driver responsibility program to fund certain emergency medical services, trauma facilities, and trauma care systems in this state.

Representative Delisi moved to postpone consideration of **CSHB 3203** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

HB 3208 ON SECOND READING

(by Heflin)

HB 3208, A bill to be entitled An Act relating to the temporary provision of lump-sum payments to certain retiring members of the Employees Retirement System of Texas.

HB 3208 was passed to engrossment.

CSHB 3361 ON SECOND READING

(by Corte and Gutierrez)

CSHB 3361, A bill to be entitled An Act relating to state employee military leave.

Representative Corte moved to postpone consideration of **HB 3361** until 2 p.m. tomorrow.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Pickett on motion of Lewis.

SB 1532 ON SECOND READING

(Marchant - House Sponsor)

SB 1532, A bill to be entitled An Act relating to the filing of an application for registration of a trademark or service mark and other trademark instruments with the secretary of state.

SB 1532 was considered in lieu of **HB 3415**.

SB 1532 was passed to third reading.

HB 3415 - LAID ON THE TABLE SUBJECT TO CALL

Representative Marchant moved to lay **HB 3415** on the table subject to call.

The motion prevailed without objection.

CSHB 2458 ON SECOND READING
(by Krusee, Oliveira, Swinford, et al.)

CSHB 2458, A bill to be entitled An Act relating to the collection of the motor fuel taxes; providing penalties.

Amendment No. 1

Representative Krusee offered the following amendment to **CSHB 2458**:

Amend **CSHB 2458** as follows:

(1) On page 5, line 23, amend Section 162.001, subsection (21) to read as follows: "(21) 'Distributor' means a person who acquires motor fuel from a licensed supplier, permissive supplier, or another licensed distributor and makes sales at wholesale and whose activities may also include sales at retail."

(2) On page 9, line 13, amend subsection (43) to read as follows: "'Licensee' means any person licensed by the comptroller pursuant to Section 162.106, 162.206, 162.304, 162.305, and 162.306."

(3) On page 37, line 16, amend Section 162.105, subsection (4) to read as follows: "(4) All gasoline exported by either a licensed supplier or licensed exporter from this state to any other state, provided that the bill of lading indicates the destination state, the gasoline is subsequently exported and the exporter is licensed in the destination state to pay that state's tax and has a Texas exporter's license in accordance with Section 162.109(d). If the exporter does not have a Texas exporter's license, the Texas state tax must be collected. This exception shall not apply to any gasoline that is transported and delivered outside this state in the motor fuel supply tank of a motor vehicle other than an interstate trucker. Section 162.105(4) shall only be in effect if the destination state does not recognize, by agreement with the State of Texas or by statute, the out of state supplier as a valid taxpayer for the motor fuel being exported to such state from Texas."

(4) On page 37, line 23, add Section 162.105, subsection (5) to read as follows and renumber subsequent sections appropriately: "(5) All gasoline exported by either a licensed supplier or licensed exporter from this state to any other state, provided that the bill of lading indicates the destination state and the supplier collects the destination state tax. This exception shall not apply to any gasoline that is transported and delivered outside this state in the motor fuel supply tank of a motor vehicle other than an interstate trucker. Section 162.105(5) shall only be in effect if the destination state recognizes, by agreement with the State of Texas or by statute, the out of state supplier as a valid taxpayer for the motor fuel being exported to such state from Texas, or until January 1, 2006, whichever is earlier."

(5) On page 37, line 26, after "terminal." insert "The removal from the second terminal rack will be subject to the tax imposed by this subchapter."

(6) On page 39, line 15, replace the word "permit" with the word "license."

(7) On page 39, line 26, after the word "trucker's" insert the word "license."

(8) On page 44, line 23, strike the words "is exempted from the bond or other security requirements of this subchapter and."

(9) On page 47, line 26, after the word "gasoline" delete the word "fuel."

(10) On page 48, line 9, strike Section 162.114, subsection (a) and substitute the following: "(a) Each licensed distributor and licensed importer shall remit to the supplier or permissive supplier, as applicable, the tax imposed by Section 162.101 for gasoline removed at a terminal rack. A licensed distributor or licensed importer may elect to defer payment of the tax to the supplier or permissive supplier until two days prior to the date the supplier or permissive supplier is required to remit the tax to this state and the payment shall be by electronic funds transfer. A supplier, permissive supplier, or their representative which conducts electronic transactions to draft account of licensed distributors or licensed importers for the payment of taxes due under this subsection shall provide at least two days notice via electronic means of the amount to be drafted from the account of the licensed distributor or licensed importer, as well as the account number to be drafted. If the supplier or permissive supplier is unable to secure payment of taxes from the licensed distributor or licensed importer due for gasoline removed from the terminal during the previous period and the supplier elects to take a credit against a subsequent payment of gasoline tax to the state for the taxes not remitted to the supplier or permissive supplier by the licensed distributor or licensed importer, the supplier or permissive supplier shall notify the comptroller of the licensed distributor's or licensed importer's failure to remit tax in conjunction with the report requesting a credit. The supplier shall have the right, after notifying the comptroller of the licensed distributor's or licensed importer's failure to remit taxes under this subsection, to terminate the ability of the licensed distributor or licensed importer to defer the payment of gasoline tax. The right of the licensed distributor or licensed importer to defer the payment of gasoline tax shall be reinstated by the supplier or permissive supplier after notice has been issued by the comptroller that the licensed distributor or licensed importer is in good standing with the comptroller for the purposes of state gasoline tax."

(11) On page 49, line 26, delete the sentence "The comptroller may cancel as provided in Section 162.005 the license of a distributor, exporter, or importer who fails to pay the full amount of tax required by this subchapter." and replace it with subsection (c) to read as follows: "(c) The comptroller may cancel as provided in Section 162.005 the license of a distributor, exporter, or importer who fails to pay the full amount of tax required by this subchapter."

(12) On page 58, line 1, delete "Sec. 162.104" and replace it with "Sec. 162.114."

(13) On page 58, line 8, after the word "tax" insert "plus a penalty of ten percent of the amount of unpaid taxes in interest at the rate provided by Sec. 111.060 beginning on the date that the credit was taken or the refund was issued."

(14) On page 58, line 21, insert subsection (d) to read as follows: "(d) To determine the amount of credit per tax, all payments or credits in reduction of a customer's account must be applied ratably between motor fuels and other goods sold to the customer, and the credit allowed will be the tax on the number of gallons represented by the motor fuel portion of the credit."

(15) On page 59, line 6, amend Section 162.119, subsection (3) to read as follows: "(3) the number of net gallons of gasoline removed by the distributor during the month for export, sorted by product code, terminal code, bulk plant address, destination state and carrier. Proof of payment of tax to the destination state must be supplied in a form acceptable to the comptroller."

(16) On page 61, line 12, after the word "RETURN" insert "AND PAYMENT OF TAX ON EXPORTS."

(17) On page 61, line 13, before "The" insert "(a)."

(18) On page 61, line 23, amend Section 162.123 by adding subsection (4) to read as follows: "(4) Proof of payment of the tax to the destination state in a form acceptable to the comptroller."

(19) On page 61, line 24, add subsection (b) to read as follows: "(b) If an exporter fails to provide the proof required by subsection (a) of this section within the time period required by the comptroller, the exporter shall report and pay the tax imposed by this subchapter on the exported gasoline to the state. If the exporter fails to provide proof of payment of the destination state taxes to the comptroller and fails to pay the tax imposed by this subchapter, the comptroller shall assess the tax imposed by this subchapter on the exported gasoline against the exporter."

(20) On page 62, line 21, amend Section 162.126 title to read as follows: "REFUNDS OF TAXES PAID ON EXCEPTED USES OR OTHERWISE EXEMPT SALES OF GASOLINE."

(21) On page 62, lines 22 through 26, amend Section 162.126(a) to read as follows: "(a) A licensee may take a credit on a return for the period in which the sale occurred if the licensee paid tax on the purchase of gasoline and subsequently resells the gasoline without collection of the tax to:"

(22) On page 63, line 23, after new subsection (7), add new subsection (8) to read as follows: "(8) Gasoline used in motor vehicles that are operated exclusively off the public highways, except for incidental travel on the public highways as determined by the comptroller, but not for that portion used in the incidental highway travel."

(23) On page 64, line 18, replace "162.128" with "162.129."

(24) On page 65, line 7, add new subsection (7), to read as follows: "(7) Uses the gasoline in off highway equipment, and stationary engines, or for other non-highway purposes and not in a motor vehicle operated or intended to be operated on the public highways;"

(25) On page 65, line 7, after new subsection (7), add new subsection (8), to read as follows: "(8) Uses the gasoline in a motor vehicle that is operated exclusively off the public highways, except for incidental travel on the public highways as determined by the comptroller, provided that a refund may not be allowed for the portion used in the incidental highway travel."

(26) On page 65, line 9, after "by the comptroller." insert the following: "For the purposes of this section, a distributor shall meet the requirement of filing a valid refund claim by designating the gallons of gasoline sold or used as described in Section 162.126(b) on the monthly report submitted by the distributor to the comptroller's office."

(27) On page 65, line 15, replace "162.128" with "162.129."

(28) On page 65, line 25, replace "permitted" with "licensed."

(29) On page 66, line 4, strike section 126.127 (a) (3) and renumber the subsequent subsections appropriately.

(30) On page 66, line 5, replace "permit" with "license."

(31) On page 66, line 9, delete "terminal" and after the word "supplier" insert "or permissive supplier."

(32) On page 66, line 11, delete "terminal" and after the word "supplier" insert "or permissive supplier."

(33) On page 66, line 16, delete "terminal" and after the word "supplier" insert "or permissive supplier."

(34) On page 66, line 16, replace the word "permit" with the word "license."

(35) On page 66, line 18, amend section 126.127 (c) to read as follows: "The return on which the credit is taken or the refund claimed must state, if applicable, the permit number of the person whose account has been written off as a bad debt and any other information required by the comptroller. The amount of the refund that may be claimed under Subsection (a) or (b) may equal but may not exceed the amount of taxes paid on the gasoline to which the written-off account applies."

(36) On page 67, line 2, delete "terminal" and after the word "supplier" insert "or permissive supplier."

(37) On page 67, line 14, delete "A credit under this section must be taken on either the first or second monthly report of a terminal supplier following the monthly report following the monthly report on which the terminal supplier paid the tax."

(38) On page 74, line 7, strike subsection (4) of section 126.162.205 and substitute the following: "(4) All diesel fuel exported by either a licensed supplier or licensed exporter from this state to any other state, provided that the bill of lading indicates the destination state, the diesel fuel is subsequently exported and the exporter is licensed in the destination state to pay that state's tax and has a Texas exporter's license in accordance with Section 162.210(d). If the exporter does not have a Texas exporter's license, the Texas state tax must be collected. This exception shall not apply to any diesel that is transported and delivered outside this state in the motor fuel supply tank of a motor vehicle other than an interstate trucker. Section 162.205(4) shall only be in effect if the destination state does not recognize, by agreement with the State of Texas or by statute, the out of state supplier as a valid taxpayer for the motor fuel being exported to such state from Texas, or until January 2, 2006, whichever is earlier."

(39) On page 74, line 14, at the end of subsection (4) add subsection (5) and renumber subsequent subsection appropriately to read as follows: "(5) All diesel fuel exported by either a licensed supplier or licensed exporter from this state to

any other state, provided that the bill of lading indicates the destination state and the supplier collects the destination state tax. This exception shall not apply to any diesel that is transported and delivered outside this state in the motor fuel supply tank of a motor vehicle other than an interstate trucker. Section 162.205(5) shall only be in effect if the destination state recognizes, by agreement with the State of Texas or by statute, the out of state supplier as a valid taxpayer for the motor fuel being exported to such state from Texas, or until January 1, 2006, whichever is earlier."

(40) On page 75, line 2, strike subsections (8), (9), and (10) and renumber the subsequent sections appropriately.add the word "Dyed" before the words "diesel fuel."

(41) On page 75, line 6, add the word "Dyed" before the word "kerosene."

(42) On page 75, line 10, strike "sold by a supplier or distributor to" and replace with "used by."

(43) On page 78, line 15, strike "or the licensed supplier has previously sold to that purchaser more than 15,000 gallons of dyed diesel fuel".

(44) On page 78, line 17, delete the ".." and replace it with a "." and delete subsections "(A)" and "(B)" on lines 18 through 24.

(45) On page 80, line 15, replace the word "permit" with the word "license."

(46) On page 83, line 24, replace subsection (f) to read as follows: "(f) An application for license as a dyed diesel fuel bonded user is required for any purchase of dyed diesel fuel in the excess of the limitations in section 162.207(c). This section does not affect the right of a purchaser to purchase not more than 15,000 of dyed diesel fuel for the purchaser's own use using a signed statement under section 162.207."

(47) On page 89, line 19, strike section 162.215 (a) and substitute with the following: "(a) Each licensed distributor and licensed importer shall remit to the supplier or permissive supplier, as applicable, the tax imposed by Section 162.201 for diesel fuel removed at a terminal rack. A licensed distributor or licensed importer may elect to defer payment of the tax to the supplier or permissive supplier until two days prior to the date the supplier or permissive supplier is required to remit the tax to this state and the payment shall be by electronic funds transfer. A supplier, permissive supplier, or their representative which conducts electronic transactions to draft account of licensed distributors or licensed importers for the payment of taxes due under this subsection shall provide at least two days notice via electronic means of the amount to be drafted from the account of the licensed distributor or licensed importer, as well as the account number to be drafted. If the supplier or permissive supplier is unable to secure payment of taxes from the licensed distributor or licensed importer due for diesel fuel removed from the terminal during the previous period and the supplier elects to take a credit against a subsequent payment of diesel fuel tax to the state for the taxes not remitted to the supplier or permissive supplier by the licensed distributor or licensed importer, the supplier or permissive supplier shall notify the comptroller of the licensed distributor's or licensed importer's failure to remit tax in conjunction with the report requesting a credit. The supplier shall have the right, after notifying the comptroller of the licensed distributor's or licensed

importer's failure to remit taxes under this subsection, to terminate the ability of the licensed distributor or licensed importer to defer the payment of diesel fuel tax. The right of the licensed distributor or licensed importer to defer the payment of diesel fuel tax shall be reinstated by the supplier or permissive supplier after notice has been issued by the comptroller that the licensed distributor or licensed importer is in good standing with the comptroller for the purposes of state diesel fuels tax."

(48) On page 91, line 7, between "payments and "is", insert "of the Texas diesel fuel tax".

(49) On page 100, line 4, after the word "tax" insert "plus a penalty of ten percent of the amount of the unpaid taxes in interest at the rate provided by Section 111.060 beginning on the day that the credit was taken or the refund was issued."

(50) On page 100, line 5, insert a new subsection (d) to read as follows: "(d) To determine the amount of credit per tax, all payments or credits in reduction of a customer's account must be applied ratably between motor fuels and other goods sold to the customer, and the credit allowed will be the tax on the number of gallons represented by the motor fuel portion of the credit."

(51) On page 101, line 5, strike ";" and insert ". Proof of payment of tax to the destination state must be supplied in a form acceptable to the comptroller;"

(52) On page 103, line 12, after the word "RETURN" insert "AND PAYMENT OF TAX ON EXPORTS."

(53) On page 103, line 21, at the end of Section 162.224 (c) insert "(d) Proof of payment of the tax to the destination state in a form acceptable to the comptroller."

(54) On page 103, line 22, before "The" insert "(a)."

(55) On page 104, line 7, add subsection (b) to read as follows: "(b) If an exporter fails to provide the proof required by subsection (a) of this section within the time period required by the comptroller, the exporter shall report and pay the tax imposed by this subchapter on the exported gasoline to the state. If the exporter fails to provide proof of payment of the destination state taxes to the comptroller and fails to pay the tax imposed by this subchapter, the comptroller shall assess the tax imposed by this subchapter on the exported gasoline against the exporter."

(56) On page 105, line 2, amend section 162.228 title to read: "REFUNDS OF TAXES PAID ON EXCEPTED USES OR OTHERWISE EXEMPT SALES OF DIESEL FUEL."

(57) On page 105, line 3, amend subsection 162.228(a) to read as follows: "(a) A licensee may take a credit on a return for the period in which the sale occurred if the licensee pays tax on the purchase of diesel fuel and subsequently resells the diesel fuel without collection of the tax to:"

(58) On page 105, line 15, strike subsection (a) (3) and substitute the following: "(3) sale by a licensed distributor to a licensed exporter, who is registered in accordance with Section 162.210(d), and who subsequently exports the diesel fuel to another state."

(59) On page 106, line 26, replace "162.229" with "162.131."

(60) On page 106, line 27, insert the word "Dyed" before the words "Diesel fuel."

(61) On page 107, line 17, after "by the comptroller." insert the following: "For the purposes of this section, a distributor shall meet the requirement of filing a valid refund claim by designating the gallons of diesel fuel sold or used as described in Section 162.228(b) on the monthly report submitted by the distributor to the comptroller's office."

(62) On page 107, line 23, replace "162.229" with "162.131."

(63) On page 107, line 26, insert subsection (f) and renumber the subsequent subsections appropriately to read as follows: "(f) A commercial transit company who paid tax on the purchase of diesel fuel may seek a refund with the comptroller of one-half of one cent per gallon for diesel fuel used in transit vehicles."

(64) On page 108, line 2, replace "REFUNDS/CREDITS FOR BAD DEBTS" with "CREDITS AND REFUNDS FOR BAD DEBTS."

(65) On page 108, line 3, replace "permitted" with "licensed."

(66) On page 108, line 9, strike all of subsection (3) and renumber the following subsections appropriately.

(67) On page 108, line 14, delete "terminal" and after "supplier", add "or permissive supplier."

(68) On page 108, line 16, delete "terminal" and after "supplier", add "or permissive supplier."

(69) On page 108, line 18, delete "terminal" and after "supplier", add "or permissive supplier."

(70) On page 108, line 19, delete "terminal" and after "supplier", add "or permissive supplier."

(71) On page 108, line 21, delete "terminal" and after "supplier", add "or permissive supplier."

(72) On page 108, line 21, replace the word "permit" with the word "license."

(73) On page 108, line 24, replace the word "permit" with the word "license."

(74) On page 108, line 24, between "state" and "the", insert ", if applicable".

(75) On page 112, line 25, replace "162.226" with "162.228."

(76) On page 109, line 19, delete the sentence "A credit under this section must be taken on either the first or second monthly report of a terminal supplier following the monthly report on which the terminal supplier paid the tax."

(77) On page 110, delete subsection (j) on lines 8 through 11.

(78) On page 112, line 25, replace "162.226" with "162.228."

(79) On page 138, line 17, replace "This Act takes effect September 1, 2003." with "(a) This Act takes effect January 1, 2004."

(80) On page 138, line 17, add new subsection (b) to read as follows: "(b) On or before the 25th day of the month following the effective date of this Act each person who possessed gasoline or undyed diesel fuel on which the taxes imposed by Chapter 162, Tax Code have not been paid shall report and pay to the

comptroller the tax imposed by that chapter on the volume of tax-free gasoline or undyed diesel fuel in the person's possession if the person held a permit under Chapter 153, Tax Code and:

- (1) the person is a gasoline distributor;
- (2) the person is a diesel fuel supplier;
- (3) the person is a agricultural bonded user; or
- (4) the person is a diesel tax prepaid user and the volume of tax-free undyed diesel fuel in the person's possession is 2,000 or more gallons.

(c) A person that possessed gasoline or undyed diesel fuel on which the taxes imposed by Chapter 162, Tax Code have not been paid on the effective date of this Act shall not be required to report and pay to the comptroller the tax imposed by Chapter 162, Tax Code if:

(1) the person is a licensed supplier, permissive supplier, or aviation fuel dealer as provided by Chapter 162, Tax Code; or

(2) the person held an active agricultural exemption number as previously provided under Chapter 153; or

(3) the person is exempt from the tax as provided by Section 162.105 (1)(2)(3) and (6) and Section 165.205 (1)(2)(3)(9) and (10)."

(81) On page 138, line 5, add new section 162.5045 to read as follows: "Section 162.5045 TAX PAID ON UNDYED DIESEL USED OFF HIGHWAY. On or before the fifth work day after the end of each month, the comptroller shall determine as accurately as possible, for the period since the latest determination under this subsection, the number of gallons of undyed diesel fuel used off road on which the diesel fuel tax was paid to the state. From the number of gallons so determined, the comptroller shall compute the amount of tax and shall deposit this amount to the credit of the general revenue fund."

Amendment No. 1 was adopted without objection.

CSHB 2458, as amended, was passed to engrossment. (Hope recorded voting no)

CSHB 94 ON SECOND READING **(by McClendon)**

CSHB 94, A bill to be entitled An Act relating to retirement benefits for visiting judges.

CSHB 94 was passed to engrossment.

CSHB 155 ON SECOND READING **(by West, Peña, Casteel, McCall, Crabb, et al.)**

CSHB 155, A bill to be entitled An Act relating to prohibiting a sex offender from owning or serving in certain capacities on behalf of a sexually oriented business; creating an offense and providing a penalty.

CSHB 155 was passed to engrossment.

(West in the chair)

CSHB 264 ON SECOND READING**(by F. Brown)**

CSHB 264, A bill to be entitled An Act relating to supplemental contributions to the optional retirement program by institutions of higher education.

CSHB 264 was passed to engrossment.

HB 552 ON SECOND READING**(by Hegar)**

HB 552, A bill to be entitled An Act relating to expulsion of students from public schools for certain conduct.

Representative Hegar moved to postpone consideration of **HB 552** until 8 p.m. today.

The motion prevailed without objection.

HB 679 ON SECOND READING**(by Talton)**

HB 679, A bill to be entitled An Act relating to requiring the Texas Department of Criminal Justice to inform certain inmates of their right to request to undergo an orchiectomy.

(Speaker in the chair)

HB 679 was passed to engrossment.

CSHB 758 ON SECOND READING**(by Giddings and Denny)**

CSHB 758, A bill to be entitled An Act relating to contracts between a school district and a business entity in which a district trustee has a substantial interest.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Eiland on motion of McCall.

CSHB 758 - (consideration continued)**Amendment No. 1**

Representative Van Arsdale offered the following amendment to **CSHB 758**:

Amend **CSHB 758** as follows:

(1) On page 1, line 9, between "enter into" and "a contract", insert "or renew".

(2) On page 1, line 11, between "enter into" and "a contract", insert "or renew".

Amendment No. 1 was adopted without objection.

CSHB 758, as amended, was passed to engrossment.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 397 ON THIRD READING

(by Mowery)

HB 397, A bill to be entitled An Act relating to requiring voter approval for the issuance by a municipality or county of certain certificates of obligation.

HB 397 was read third time earlier today, postponed until the end of the general state third reading calendar, and was again postponed until 4 p.m. today.

Amendment No. 1

Representative Menendez offered the following amendment to **HB 397**:

Amend **HB 397** on third reading as follows:

(1) On page 1, line 17, between "100,000" and the comma insert "or if the total amount of the certificates to be issued is less than \$25 million".

(2) On page 2, between lines 2 and 3, insert "If the issuer maintains an Internet website, the issuer shall also publish the press release on that website. Failure to comply with this subsection does not affect the validity of certificates issued under this subchapter."

(3) On page 2, line 4, between "100,000" and the period insert "or if the total amount of the certificates to be issued is less than \$25 million".

(4) On page 2, line 21, between "100,000" and the comma insert "or if the total amount of the certificates to be issued is less than \$25 million".

(5) On page 3, line 7, between "100,000" and the comma insert "or if the total amount of the certificates to be issued is less than \$25 million".

Amendment No. 1 was adopted without objection.

HB 397, as amended, was passed.

GENERAL STATE CALENDAR

(consideration continued)

HB 860 ON SECOND READING

(by McReynolds)

HB 860, A bill to be entitled An Act relating to the use of public school educators' days of service for which instruction is not required.

HB 860 was passed to engrossment.

CSHB 893 ON SECOND READING

(by Haggerty)

CSHB 893, A bill to be entitled An Act relating to the correction of an appraisal roll, a tax roll, and other appropriate records following the final determination of an ad valorem tax appeal.

CSHB 893 was passed to engrossment.

CSHB 1407 ON SECOND READING
(by Hupp)

CSHB 1407, A bill to be entitled An Act relating to the exhibition and regulation of amusement redemption machines by certain nonprofit organizations and others where approved by local option.

Representative Hupp moved to postpone consideration of **CSHB 1407** until 2 p.m. tomorrow.

The motion prevailed without objection.

HB 1457 ON SECOND READING
(by Eiland)

HB 1457, A bill to be entitled An Act relating to the authorization of the imposition of a temporary prohibition on enforcement of the law governing access to public beaches following a meteorological event.

Representative Hupp moved to postpone consideration of **HB 1457** until 10 a.m. tomorrow.

The motion prevailed without objection.

HB 1629 ON SECOND READING
(by J. Keffer, et al.)

HB 1629, A bill to be entitled An Act relating to the regulation of certain chemical precursors under the Texas Controlled Substances Act.

Amendment No. 1

Representative Farabee offered the following amendment to **HB 1629**:

Amend **HB 1629** by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION _____. Sections 481.134(b)-(f), Health and Safety Code, are amended to read as follows:

(b) An offense otherwise punishable as a state jail felony under Section 481.112, 481.113, 481.114, or 481.120 is punishable as a felony of the third degree, and an offense otherwise punishable as a felony of the second degree under any of those sections is punishable as a felony of the first degree, if it is shown at the punishment phase of the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of premises owned, rented, or leased by an institution of higher learning, the premises of a public or private youth center, or a playground; or

(2) in, on, or within 300 feet of the premises of a ~~[public or private youth center,]~~ public swimming pool[;] or video arcade facility.

(c) The minimum term of confinement or imprisonment for an offense otherwise punishable under Section 481.112(c), (d), (e), or (f), 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f), 481.116(c), (d), or (e), 481.117(c), (d),

or (e), 481.118(c), (d), or (e), 481.120(b)(4), (5), or (6), or 481.121(b)(4), (5), or (6) is increased by five years and the maximum fine for the offense is doubled if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of premises of a school or a public or private youth center; or

(2) on a school bus.

(d) An offense otherwise punishable under Section 481.112(b), 481.113(b), 481.114(b), 481.115(b), 481.116(b), 481.120(b)(3), or 481.121(b)(3) is a felony of the third degree if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board or the premises of a public or private youth center; or

(2) on a school bus.

(e) An offense otherwise punishable under Section 481.117(b), 481.119(a), 481.120(b)(2), or 481.121(b)(2) is a state jail felony if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board or the premises of a public or private youth center; or

(2) on a school bus.

(f) An offense otherwise punishable under Section 481.118(b), 481.119(b), 481.120(b)(1), or 481.121(b)(1) is a Class A misdemeanor if it is shown on the trial of the offense that the offense was committed:

(1) in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board or the premises of a public or private youth center; or

(2) on a school bus.

Amendment No. 1 was adopted without objection.

HB 1629, as amended, was passed to engrossment.

CSHB 1699 ON SECOND READING **(by Kuempel)**

CSHB 1699, A bill to be entitled An Act relating to the liability of highway, road, and street contractors.

Amendment No. 1

Representative Elkins offered the following amendment to **CSHB 1699**:

Amend **CSHB 1699** as follows:

(1) On page 1, line 2, between "liability of" and "highway", insert "certain".

(2) On page 1, line 6, between "LIABILITY OF" and "HIGHWAY", insert "CERTAIN".

(3) On page 1, strike lines 7 and 8 and substitute "STREET CONTRACTORS".

(4) On page 1, line 9, strike "(b)".

(5) On page 1, line 9, strike "constructs, repairs, or maintains" and substitute "constructs or repairs".

(6) On page 1, line 10, strike "a governmental unit" and substitute "the Texas Department of Transportation".

(7) On page 1, line 11, strike "person" and substitute "claimant".

(8) On page 1, line 12, strike "construction, repair, or maintenance" and substitute "construction or repair".

(9) On page 1, line 14, strike "substantial compliance with all" and substitute "compliance with".

(10) On page 1, strike line 15 and substitute the following:
material to the condition or defect that was the proximate cause of the personal injury, property damage, or death.

Amendment No. 1 was adopted without objection.

CSHB 1699, as amended, was passed to engrossment.

CSHB 1859 ON SECOND READING

(by Bohac, Bailey, Edwards, and McClendon)

CSHB 1859, A bill to be entitled An Act relating to the construction or operation of chemical dependency treatment facilities near certain residential and community properties.

CSHB 1859 was passed to engrossment.

HB 1980 ON SECOND READING

(by Puente)

HB 1980, A bill to be entitled An Act relating to excepting certain land from the additional tax imposed on the change of use of land appraised for ad valorem tax purposes as open-space land.

HB 1980 was passed to engrossment.

HB 2040 ON SECOND READING

(by Marchant)

HB 2040, A bill to be entitled An Act relating to authorizing certain state agencies to share information for investigative purposes.

Amendment No. 1

Representative Marchant offered the following amendment to **HB 2040**:

Amend **HB 2040** as follows:

(1) On page 1, lines 12-14, strike "a person who is licensed or otherwise regulated by any of those state agencies." and substitute the following:
the possible commission of corporate fraud by a person who is licensed or otherwise regulated by any of those state agencies. In this subsection, "corporate fraud" means a violation of state or federal law or rules relating to fraud committed by a corporation, limited liability company, or registered limited liability partnership or an officer, director, or partner of those entities while acting in a representative capacity.

(2) On page 1, line 19, between "investigative purposes" and the period, insert "pursuant to Subsection (a)".

(3) On page 2, line 4, between "information" and "only", insert "obtained pursuant to Subsection (a)".

(4) On page 2, line 7, between "(B)" and "to the extent", insert "to another agency listed in Subsection (a)".

(5) On page 2, between lines 17 and 18, insert the following:

(d) This section does not limit or restrict information sharing among agencies as otherwise provided by law.

Amendment No. 1 was adopted without objection.

HB 2040, as amended, was passed to engrossment.

HB 2086 ON SECOND READING

(by Talton)

HB 2086, A bill to be entitled An Act relating to the possession or shooting of a handgun on the land of the Lower Colorado River Authority by a person licensed to carry a concealed handgun.

HB 2086 was passed to engrossment.

CSHB 2100 ON SECOND READING

(by Dutton)

CSHB 2100, A bill to be entitled An Act relating to the disposing of abandoned motor vehicles.

Amendment No. 1

Representative Dutton offered the following amendment to **CSHB 2100**:

Amend **CSHB 2100** by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION _____. Section 2303.151(d), Occupations Code, is amended to read as follows:

(d) A notice under this section must:

(1) be correctly addressed;

(2) carry sufficient postage; and

(3) be sent by certified mail, return receipt requested or electronic certified mail.

Amendment No. 1 was adopted without objection.

CSHB 2100, as amended, was passed to engrossment.

HB 2150 ON SECOND READING

(by Denny, Howard, Marchant, Woolley, and Hope)

HB 2150, A bill to be entitled An Act relating to the date on which the period for early voting by personal appearance begins.

HB 2150 was passed to engrossment.

HB 2212 ON SECOND READING
(by Mowery)

HB 2212, A bill to be entitled An Act relating to the continuation of legal land use in newly incorporated areas.

HB 2212 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE DUKES: You stated that **HB 2212** is for newly annexed cities?

REPRESENTATIVE MOWERY: Well, there was a sort of a quirk in the law when we wrote it. Before that, the annexation of a city already existing—this would apply—but they didn't speak to the part of a newly annexed city, a newly incorporated city. So it will be, from now on, any city that will be under the law, that has been in existence since '99.

DUKES: So, this applies to any city incorporated since the early '90s?

MOWERY: Well, any city that from now on is incorporated. Yes.

DUKES: When you say from now on, do you mean this day of May 8, 2003 forward?

MOWERY: Well, any agreement with a business in existence, if that agreement for the use of the land was in existence with agencies or whatever, when the incorporation occurred, that land value is protected by this bill.

DUKES: Is that from any entity that was incorporated from May 8, 2003 forward? Because the bill has a date of—going back retroactively—to January 1, 2003.

MOWERY: Because this particular incident of possible abuse of rights is—and we've been negotiating all afternoon, and we may have an agreement that will be done in the senate, but is not agreed to at this point.

DUKES: So, is this bill for entities incorporated after May 8, 2003, or is it retroactive, ex post facto, to January 1, 2003? On line 9 of page 1, it states that it's ex post facto January 1, 2003.

MOWERY: If the municipality agreement predates, but the municipality was incorporated after, January 1.

DUKES: So ex post facto to January 1, 2003?

MOWERY: I don't know whether I'd use the term ex post facto—

DUKES: It just means going back to a time that's not future but is in the past. How about retroactive date?

MOWERY: That is a little clearer term. But the date is tracing when the event occurred.

DUKES: To a retroactive date of January 1, 2003?

MOWERY: The bill, obviously, does not take effect until it passes both this house and the senate and is signed by the governor.

DUKES: Yes, but it effects entities that were—

MOWERY: But to document what happened when a municipality was formed for a particular purpose, which may or may not even be in violation of agreements previously made, you have to indicate the date in which the municipality was incorporated.

DUKES: I appreciate that explanation but I just want to clarify. This only affects entities, municipal entities, incorporated after January 1, 2003?

MOWERY: It effects all entities from now on, after it passes. We are indicating that there was an agreement that has some bearing on this legislation.

DUKES: But, Madam Chair, your bill states that it only effects those incorporated after January 1, 2003.

MOWERY: Well, once the bill passes, any new municipality will be subject to the old law that passed in the '90s.

DUKES: So, if an entity was incorporated prior to January 1, 2003, these provisions that are in your bill are not applied to them. It is only applied to those incorporated—stated on line eight and nine of your bill—it only relates to entities incorporated after January 1, 2003. I'm just reading black and white. I'm just asking a question.

MOWERY: As you well know, the unincorporated land had land use that was in existence before the incorporation. And this is an attempt in property rights to preserve that land use for those entities against some attempt to change that land use.

DUKES: I'm not trying to—

MOWERY: I think we're going to have an agreement, and we may not even have any dispute about it, but I'm trying to be very clear about what this is now.

DUKES: And I'm trying to be clear about what's in the bill. And this is not a trick question. I'm just asking you, on line eight and nine, does it now read, "This applies to a municipality incorporated after January 1, 2003 which may not prohibit the following things." Isn't that what's in the bill?

MOWERY: Correct.

DUKES: Okay, that's just what I wanted to get clear. Now, you said that it applies only as it relates to the use of the land at the time prior to incorporation.

MOWERY: It is—as the current law for everything else, when you have a land use it is protected from—in other cities, from being annexed and changed. That's the current law. It's a copy of what everybody else gets to go by. But since this was an unincorporated area that had designated land uses, and a municipality was formed, it seems, for the strict purpose of changing the land use.

DUKES: Now, the intent of line 10, "continuing to use land in the area in a manner in which the land was being on the date of incorporation if the land use was legal at the time." Is the intent to continue to allow the use of the land as it was used prior to incorporation?

MOWERY: There are, obviously, some exceptions to that—

DUKES: Except for the exceptions.

MOWERY: Yes, there are quite a few exceptions but on the whole it is. But, of course, we do have some opportunities at law, but this bill would hopefully avoid lawsuits.

DUKES: Okay, so the intent is to continue the use as it was prior to incorporation. But you're not intending a use of the land that was not in place prior to incorporation could change?

MOWERY: I don't read the bill that way.

DUKES: I appreciate that. Now, also you stated that on line 13 through 15 that "beginning the use of land in the area in the manner that was planned for the land before the 90th day before the effective date if under A, there is one or more licenses, certificates, permits, approvals or other forms of authorization by a governmental entity required by law for the planned use of the land." So, if they have a permit from the county for a particular purpose—the permits are usually specific, aren't they, for the use of the land?

MOWERY: I think what we're referring to, in this particular instance, as you well know, is sand and gravel, so it would probably be sand and gravel.

DUKES: Now, would sand and gravel permits come from the county?

MOWERY: Yes, they come from the county in this case.

DUKES: Now, if they have a permit for sand and gravel, which is usually done at TCEQ, if they have a permit for that, you're stating in this bill that they should be able to continue to do that? Correct?

MOWERY: Until renewal. It is from the county, not from a state agency.

DUKES: So, let's say they have a permit from the county. The intent is for the particular purpose of that specific permit to continue to be valid for the use of the land. Is that correct?

MOWERY: That is. In my point of view, it is a property rights issue. When a business begins an endeavor and invests in that endeavor, it should be allowed to continue that endeavor.

DUKES: Okay. Now you also have, as another one of the criteria for the use of the land under incorporation on line 19 through 21, that "a completed application for the initial authorization was filed with a governmental entity before the date of incorporation." Now, are you implying that it is a pending application, or that it is an approved application? What is the intent of lines 19 through 21?

MOWERY: Completed application for the initial authorization was filed with a governmental entity before the date of incorporation.

DUKES: So, it can be a pending application, and because it is a pending application, it should make them eligible under the provisions of this bill? I'm just looking for clarity.

MOWERY: You don't interrupt the application process. It has begun. It is not to be interrupted.

DUKES: So, as long as it is pending, it is valid.

MOWERY: Once the process starts, it continues.

DUKES: So, if there is not an application in presently that's valid, based on it being pending, Item B would not make it eligible. Is that correct?

MOWERY: I read it once you start the process, once it's pending, the city can't undo a pending application that has begun.

DUKES: If it is a pending application.

MOWERY : Correct.

DUKES: If one withdraws their application, is that considered still pending?

MOWERY: I think that is obvious. If you withdraw, you withdraw.

DUKES: So, it is no longer pending?

MOWERY: No.

REMARKS ORDERED PRINTED

Representative Dukes moved to print remarks between Representative Dukes and Representative Mowery.

The motion prevailed without objection.

Amendment No. 1

Representative Dukes offered the following amendment to **HB 2212**:

Amend **HB 2212** as follows:

(1) On page 1, line 12, between "time" and the semicolon, insert ", provided that the person may not change the manner in which the land is used without obtaining municipal approval".

(2) On page 1, strike lines 19-21, and substitute:

(B) a completed application for the appropriate initial authorization was filed with the governmental entity before the date of incorporation and the authorization is still pending before the governmental entity on the effective date of the incorporation or the person receives the appropriate initial authorization by that date.

(3) On page 2, between lines 20 and 21, insert the following:

(e) This section does not affect the application of a law prescribing a buffer zone.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Rodriguez offered the following amendment to **HB 2212**:

Amend **HB 2212** as follows:

(1) On line 8 and 9, after "after", "strike 'January 1, 2003' and substitute 'September 1, 2003'"

(Isett in the chair)

Representative Hardcastle moved to table Amendment No. 2.

The motion to table prevailed. (Baxter recorded voting no)

Amendment No. 3

Representative Rodriguez offered the following amendment to **HB 2212**:

Amend **HB 2212** as follows:

(1) On line 8 and 9, after "after", "strike 'January 1, 2003' and substitute 'September 1, 1999'"

Representative Hardcastle moved to table Amendment No. 3.

The motion to table prevailed.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Van Arsdale and by unanimous consent, the reading and referral of bills was taken up at this time.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HB 2212 - (consideration continued)

Amendment No. 4

Representative Dukes offered the following amendment to **HB 2212**:

Amend **HB 2212** on page 1, line 8, between "incorporated" and "after" by inserting "in Travis County".

Representative Hardcastle moved to table Amendment No. 4.

The motion to table prevailed.

A record vote was requested.

HB 2212, as amended, was passed to engrossment by (Record 560): 77 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hunter; Hupp; Jones, D.; Jones, E.; Keffer, J.; King; Kolkhorst; Krusee; Laney; Mabry; Madden; Marchant; McCall; Mercer; Merritt; Miller; Mowery; Nixon; Phillips; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Baxter; Burnam; Canales; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Farrar; Flores; Garza; Guillen; Harper-Brown; Hochberg; Hodge; Jones, J.; Keel; Keffer, B.; Laubenberg; Lewis; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Paxton; Peña; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Taylor; Telford; Thompson; Uresti; Wilson; Wise.

Present, not voting — Mr. Speaker; Isett(C).

Absent, Excused — Eiland; Gallego; Kuempel; Oliveira; Pickett; Villarreal; Wolens.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts; Turner; Wohlgemuth.

Absent — Capelo; Chavez; Farabee; Giddings; Gutierrez; Homer; Hughes; Moreno, P.; Morrison; Puente.

STATEMENTS OF VOTE

I was shown voting no on Record No. 560. I intended to vote yes.

Baxter

When Record No. 560 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 552 ON SECOND READING

(by Hegar)

HB 552, A bill to be entitled An Act relating to expulsion of students from public schools for certain conduct.

HB 552 was read second time earlier today and was postponed until 8 p.m. today.

HB 552 was passed to engrossment.

GENERAL STATE CALENDAR

(consideration continued)

HB 2474 ON SECOND READING

(by Callegari)

HB 2474, A bill to be entitled An Act relating to electronic surveillance.

Amendment No. 1

Representative Callegari offered the following amendment to **HB 2474**:

Amend **HB 2474** as follows:

(1) In SECTION 1 of the bill, in Paragraph (B), Subdivision (3), Subsection (c), Section 16.02, Penal Code (Introduced version page 2, line 16), following the semicolon, add "or".

(2) In SECTION 1 of the bill, in Subdivision (3), Subsection (c), Section 16.02, Penal Code (Introduced version page 2, line 17 through page 3, line 4), strike added Paragraphs (C) and (D) and substitute:

(C) a wire or electronic communication made by a computer trespasser and transmitted to, through, or from a protected computer, if:

(i) the interception did not acquire a communication other than one transmitted to or from the computer trespasser;

(ii) the owner of the protected computer consented to the interception of the computer trespasser's communications on the protected computer; and

(iii) actor was lawfully engaged in an ongoing criminal investigation and the actor had reasonable suspicion to believe that the contents of the computer trespasser's communications likely to be obtained would be material to the investigation;

(3) In SECTION 2 of the bill, in added Subdivision (25), Section 1, Article 18.20, Code of Criminal Procedure (Introduced version page 6, line 19), between "computer" and the period, insert ".". The term does not include a person who accesses the computer under an existing contractual relationship with the owner or operator of the protected computer".

(4) In SECTION 7 of the bill, in added Subsection (g), Section 16, Article 18.20, Code of Criminal Procedure (Introduced version page 10, line 26), between "required by" and the colon, insert "a good faith reliance on".

(5) In SECTION 8 of the bill, in added Subdivision (6), Section 1, Article 18.21, Code of Criminal Procedure (Introduced version page 12, line 21), between "device" and "that", insert "or process".

(6) In SECTION 8 of the bill, in renumbered Subdivision (10), Section 1, Article 18.21, Code of Criminal Procedure (Introduced version page 13, line 24), between "device" and "that ", insert "or process".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Callegari offered the following amendment to **HB 2474**:

Amend **HB 2474** as follows:

(1) On page 10, line 7, strike "under this subsection".

(2) On page 10, lines 10-11, strike "The applicant may request a hearing to determine the reasonableness of an expense claimed under this subsection."

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Callegari offered the following amendment to **HB 2474**:

Amend **HB 2474** as follows:

(1) On page 12, line 27, between "service" and "for", insert "in the ordinary course of the provider's or customer's business".

(2) On page 13, strike lines 4 and 5 and substitute the following: "ordinary business purposes.".

Amendment No. 3 was adopted without objection.

HB 2474, as amended, was passed to engrossment.

HB 2496 ON SECOND READING

(by Branch, Denny, Marchant, Raymond, Turner, et al.)

HB 2496, A bill to be entitled An Act relating to the date of the primary election.

HB 2496 was passed to engrossment. (Burnam recorded voting no)

CSHB 2528 ON SECOND READING

(by Madden)

CSHB 2528, A bill to be entitled An Act relating to the authority of school districts to purchase electricity through a political subdivision corporation.

CSHB 2528 was passed to engrossment.

CSHB 2601 ON SECOND READING

(by Miller)

CSHB 2601, A bill to be entitled An Act relating to security personnel at commercial nuclear power plants.

Representative Miller moved to postpone consideration of **CSHB 2601** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

CSHB 2624 ON SECOND READING

(by Haggerty)

CSHB 2624, A bill to be entitled An Act relating to the operation of community supervision and corrections departments and to the early release of a defendant from community supervision.

CSHB 2624 was passed to engrossment. (Canales, Denny, Hochberg, Hope, Laubenberg, McReynolds, Phillips, and Rose recorded voting no)

CSHB 2725 ON SECOND READING

(by Talton)

CSHB 2725, A bill to be entitled An Act relating to the destruction of records following certain expunctions.

CSHB 2725 was passed to engrossment.

CSSB 1010 ON SECOND READING

(Giddings, Bohac, Uresti, and Wise - House Sponsors)

CSSB 1010, A bill to be entitled An Act relating to public and common nuisances; providing a penalty.

CSSB 1010 was considered in lieu of **HB 2813**.

Amendment No. 1

Representative Giddings offered the following amendment to **CSSB 1010**:

Amend **CSSB 1010**, SECTION 2, Subsection (g) as follows:

On page 5, line 6, strike subsection (g) and substitute the following:

"(g) In an action brought under this chapter the petitioner may file a notice of lis pendens and certified copy of an order of the court in the office of the county clerk of each county in which the land is located. The notice of lis pendens shall conform to the requirements of Section 12.007, Property Code, and shall constitute notice as provided in Section 13.004, Property Code. A certified copy of an order of the court filed in the office of the county clerk shall constitute notice of the terms thereof and shall be binding on subsequent purchasers and lienholders."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hartnett offered the following amendment to **CSSB 1010**:

Amend **CSSB 1010** in SECTION 1 of the bill, in amended Section 125.0015(a), Civil Practice and Remedies Code (page 2, line 16-20), by striking Subdivisions (7) and (8) and substituting the following:

(7) compelling prostitution as prohibited by the Penal Code;

(8) commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Penal Code;

(9) public lewdness or indecent exposure in violation of the Penal Code;

or

(10) obscene activity in violation of Section 43.24, 43.25, 43.251, or 43.26, Penal Code.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Hartnett offered the following amendment to **CSSB 1010**:

Amend **CSSB 1010** as follows:

(1) In SECTION 1 of the bill, in amended Section 125.001, Civil Practices and Remedies Code (page 1, between lines 18 and 19), insert a new Subdivision (4) to read as follows:

(4) "Prohibited licensed premises activity" means any activity that:

(A) occurs in a private room in a premises:

(i) licensed for the sale of alcoholic beverages and designated under Section 11.49, Alcoholic Beverage Code; or

(ii) licensed as a sexually oriented business pursuant to Section 243.007, Local Government Code; and

(B) involves:

(i) any exposure of a person's anus or any part of a person's genitals with intent to arouse or gratify the sexual desire of any person;

(ii) any sexual intercourse, deviate sexual intercourse, sexual contact, or sexual conduct as those terms are defined by Section 43.01, Penal Code; or

(iii) any obscene performance as defined by Section 43.21, Penal Code.

(2) In SECTION 1 of the bill, in amended Section 125.0015(a), Civil Practice and Remedies Code (page 2, between lines 15 and 16), add a new Subdivision (7) and renumber appropriately:

(7) prohibited licensed premises activities;

Amendment No. 3 - Point of Order

Representative Uresti raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order.

Amendment No. 3 was adopted without objection.

CSSB 1010, as amended, was passed to third reading. (Hope recorded voting yes)

HB 2813 - LAID ON THE TABLE SUBJECT TO CALL

Representative Giddings moved to lay **HB 2813** on the table subject to call.

The motion prevailed without objection.

(Speaker in the chair)

CSHB 2823 ON SECOND READING (by Eissler)

CSHB 2823, A bill to be entitled An Act relating to individual transition plans for certain students receiving special education services.

Amendment No. 1

Representative Eissler offered the following amendment to **CSHB 2823**:

Amend **CSHB 2823** on page 2, lines 1 and 2, by striking "as approved" and substituting "if the parent is invited to participate".

Amendment No. 1 was adopted without objection.

CSHB 2823, as amended, was passed to engrossment.

CSHB 3022 ON SECOND READING (by Taylor, Madden, and Wohlgemuth)

CSHB 3022, A bill to be entitled An Act relating to the availability of preferred providers.

CSHB 3022 was passed to engrossment.

CSHB 3023 ON SECOND READING (by Taylor, Madden, and Wohlgemuth)

CSHB 3023, A bill to be entitled An Act relating to reimbursement and use of particular health care practitioners.

CSHB 3023 was passed to engrossment.

CSHB 3052 ON SECOND READING
(by Hunter)

CSHB 3052, A bill to be entitled An Act relating to the prohibition of the use of certain colors on certain signs, signals, or markings.

CSHB 3052 was passed to engrossment.

CSHB 3089 ON SECOND READING
(by Dukes)

CSHB 3089, A bill to be entitled An Act relating to competitive purchasing procedures for certain counties.

CSHB 3089 was passed to engrossment.

HB 3096 ON SECOND READING
(by Madden)

HB 3096, A bill to be entitled An Act relating to the penalty for the failure to timely file a report of political contributions and expenditures with the Texas Ethics Commission.

Amendment No. 1

Representative Madden offered the following amendment to **HB 3096**:

Amend **HB 3096** on page 1 by striking lines 8 through 22 and substituting the following:

(b) If a report other than a report under Section 254.064(c), 254.124(c), or 254.154(c) or the first report under Section 254.063 or 254.123 that is required to be filed following the general or primary election is determined to be late, the person required to file the report is [civilly] liable to the state for a civil penalty of \$500 ~~[an amount determined by commission rule, but not to exceed \$100 for each day that the report is late]~~. If a report under Section 254.064(c), 254.124(c), or 254.154(c) or the first report under Section 254.063 or 254.123 that is required to be filed following the general or primary election is determined to be late, the person required to file the report is liable to the state for a civil penalty of \$500 for the first day the report is late and \$100 for each day thereafter that the report is late. If a report is more than 30 days late, the commission shall issue a warning of liability by registered mail to the person required to file the report. If the penalty is not paid before the 10th day after the date on which the warning is received, the person is liable for a civil penalty in an amount determined by commission rule, but not to exceed \$10,000.

Amendment No. 1 was adopted without objection.

CSHB 3096, as amended, was passed to engrossment.

CSHB 3122 ON SECOND READING
(by Truitt)

CSHB 3122, A bill to be entitled An Act relating to the establishment of locally based demonstration projects to provide health care benefits to certain low-income individuals.

CSHB 3122 was passed to engrossment.

CSHB 3141 ON SECOND READING
(by Wilson)

CSHB 3141, A bill to be entitled An Act relating to stamping of cigarettes in interstate commerce.

CSHB 3141 was passed to engrossment. (B. Cook, Flynn, and Solomons recorded voting no)

HB 3211 ON SECOND READING
(by Heflin, Hochberg, Corte, Noriega, Berman, et al.)

HB 3211, A bill to be entitled An Act relating to certain veterans' assistance programs.

HB 3211 was passed to engrossment. (Hope recorded voting no)

HB 3351 ON SECOND READING
(by J. Davis, Edwards, Wong, and Woolley)

HB 3351, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for The University of Texas Health Science Center at Houston for the replacement of research and academic facilities lost in Tropical Storm Allison.

Amendment No. 1

Representative J. Davis offered the following amendment to **HB 3351**:

Amend **HB 3351**, by adding the following appropriately numbered section to the bill and renumbering the other sections of the bill appropriately:

SECTION __. Section 55.1732(a), Education Code, is amended to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of The University of Texas System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

(1) The University of Texas at Arlington, \$16,635,945 to construct a science building;

(2) The University of Texas at Brownsville, \$26,010,000 to construct a life and health science and education facility (Phase II) and to procure and install permanent equipment and other fixtures in the facility;

(3) The University of Texas at Dallas, \$21,993,750 to renovate Founders Hall, Founders Annex, and Berkner Hall;

(4) The University of Texas at El Paso, \$12,750,000 to construct a biomedical and health sciences research center;

(5) The University of Texas–Pan American, \$29,950,000 for education complex, library, and multipurpose center renovation and construction;

(6) The University of Texas of the Permian Basin, \$5,610,000 for integrated Mesa Building renovations and gymnasium renovations;

(7) The University of Texas at San Antonio, \$22,950,000 to construct a science building on the main campus;

(8) The University of Texas at Tyler, \$20,910,000 to construct an engineering, sciences, and technology building and make other physical plant improvements;

(9) The University of Texas Southwestern Medical Center at Dallas, \$40 million for North Campus phase IV construction;

(10) The University of Texas Medical Branch at Galveston, \$20 million to renovate and expand research facilities;

(11) The University of Texas Health Science Center at Houston, \$19,550,000 to construct or purchase a classroom building;

(12) The University of Texas Health Science Center at San Antonio, \$28.9 million to construct a facility for student services and academic administration and to construct and develop a facility at the Laredo Extension Campus for educational and administrative purposes;

(13) the Regional Academic Health Center established under Section 74.611, \$25.5 million to construct a teaching and learning laboratory in or near the city of Harlingen;

(14) The University of Texas Health Center at Tyler, \$11,513,250 to construct a biomedical research center addition; and

(15) The University of Texas M. D. Anderson Cancer Center, \$20 million to construct a basic sciences research building.

Amendment No. 1 was adopted without objection.

HB 3351, as amended, was passed to engrossment.

HB 1567 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative West called up with senate amendments for consideration at this time,

HB 1567, A bill to be entitled an Act relating to the disposal of low-level radioactive waste; authorizing the exercise of the power of eminent domain.

Representative West moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1567**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1567**: West, chair; Bonnen; Chisum; Kuempel; and W. Smith.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Insurance, 9 a.m. Friday, May 9, Agricultural Museum Room 1.W.14, for a formal meeting.

Redistricting, upon adjournment today, May 8, Agricultural Museum, for a formal meeting.

Calendars, on final adjournment today, May 8, speakers committee room, for a formal meeting.

Human Services, upon adjournment today, May 8, Desk 114, for a formal meeting.

Juvenile Justice and Family Issues, 15 minutes after adjournment today, May 8, E2.028.

Ways and Means, 8 a.m. tomorrow, May 9, E2.010, for a public hearing, to consider bills posted for April 30 meeting and **HB 3072**.

FIVE DAY POSTING RULE SUSPENDED

Representative Talton moved to suspend the five day posting rule to allow the Committee on Urban Affairs to consider **SB 1002** and at the recessed meeting set at 8 a.m., May 9.

The motion prevailed without objection.

Representative Wilson moved to suspend the five day posting rule to allow the Committee on Ways and Means to consider bills posted for April 30 meeting and **HB 3072**.

The motion prevailed without objection.

ADJOURNMENT

Representative Wilson moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 9:08 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

SB 4 to Higher Education.

SB 166 to Law Enforcement.

SB 480 to Local Government Ways and Means.

SB 581 to Insurance.

SB 596 to Public Education.
SB 708 to County Affairs.
SB 865 to State Health Care Expenditures, Select.
SB 923 to Human Services.
SB 977 to Pensions and Investments.
SB 1159 to Environmental Regulation.
SB 1207 to Civil Practices.
SB 1278 to Regulated Industries.
SB 1295 to Defense Affairs and State-Federal Relations.
SB 1302 to Natural Resources.
SB 1303 to County Affairs.
SB 1315 to Public Health.
SB 1320 to Public Health.
SB 1357 to Public Health.
SB 1429 to Financial Institutions.
SB 1451 to Public Health.
SB 1481 to Natural Resources.
SB 1498 to Human Services.
SB 1517 to Defense Affairs and State-Federal Relations.
SB 1566 to County Affairs.
SB 1572 to Business and Industry.
SB 1573 to Business and Industry.
SB 1574 to Business and Industry.
SB 1614 to Economic Development.
SB 1631 to Land and Resource Management.
SB 1686 to County Affairs.
SB 1704 to Transportation.
SB 1745 to Criminal Jurisprudence.
SB 1776 to State Affairs.
SB 1804 to Business and Industry.
SB 1826 to Public Health.
SB 1833 to Local Government Ways and Means.
SB 1879 to State Affairs.
SB 1905 to County Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 36

HB 44, HB 319, HB 660, HB 802, HB 850, HB 1055, HB 1075, HB 1095, HB 1295, HB 1625, HCR 3, HCR 8, HCR 226

Senate List No. 26

SB 271, SB 437, SB 441, SB 1588

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Thursday, May 8, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

LOCAL AND UNCONTESTED CALENDAR

HB 89 McClendon SPONSOR: Barrientos
Relating to a leave of absence for certain state employees who are donating an organ, bone marrow, or blood.
(Committee Substitute)

HB 338 Cook, Byron SPONSOR: Averitt
Relating to the abolition of the County Court at Law of Navarro County.

HB 808 Seaman SPONSOR: Hinojosa
Relating to the use of municipal hotel tax revenue collected by certain coastal municipalities.

HB 1322 Naishtat SPONSOR: Shapleigh
Relating to the Texas Commission for the Deaf and Hard of Hearing.

HB 1331 Solomons SPONSOR: Lucio
Relating to the continuation of notice and consent procedures regarding the location of certain correctional or rehabilitation facilities.

HB 1370 Luna SPONSOR: Lucio
Relating to the study and implementation of seawater desalination.

HB 2001 Dutton SPONSOR: Harris
Relating to notice to an employer of a court order requiring an employee to provide medical support for the employee's child; providing penalties.

HB 2133 Campbell SPONSOR: Estes
Relating to agriculture and the powers and duties of the Department of Agriculture.
(Amended)

HB 2234 McReynolds SPONSOR: Staples
Relating to the appointment of a bailiff for the 411th District Court.

HB 2382 Hegar SPONSOR: Averitt
Relating to the frequency of inspection and testing of weights and measures.

HB 2383 Hegar SPONSOR: Janek
Relating to the eligibility for exemption from ad valorem taxation of public property used for certain religious purposes.

SB 480 Madla
Relating to excepting certain land from the additional tax imposed on the change of use of land appraised for ad valorem tax purposes as open-space land.

SB 581 Jackson
Relating to an optional discount in homeowners' insurance premiums for the use of an insulating concrete form system.

SB 708 Jackson
Relating to regulation of wild animals by counties and certain other authorities.

SB 923 Zaffirini
Relating to criminal history checks of certain employees and applicants for employment in nursing homes and to the period within which a nursing home must request certain criminal history checks.

SB 977 Staples
Relating to custody of the assets of certain public retirement systems.

SB 1159 Barrientos
Relating to the regulation of motor vehicle emissions in counties participating in early action compacts.

SB 1278 Armbrister
Relating to security officers for electric cooperatives.

SB 1302 Madla
Relating to adding land that is in the extraterritorial jurisdiction of a municipality to the territory of certain special purpose districts.

SB 1320 Nelson
Relating to certain advance directives for medical treatment and medical treatment decisions.

SB 1357 Nelson
Relating to local school health advisory councils, health education instruction, and coordinated health programs for elementary school students.

SB 1429 Averitt

Relating to certain agreements offered in connection with a loan.

SB 1451

Carona

Relating to the regulation of milk and milk products.

SB 1481

Ratliff

Relating to the repeal of the Caddo Lake Compact.

SB 1498

Madla

Relating to the licensing and regulation of home and community support services agencies.

SB 1517

Armbrister

Relating to authority of security personnel at commercial nuclear power plants.

SB 1566

Madla

Relating to certain mass gatherings.

SB 1686

Gallegos

Relating to the training required for a person appointed as a county jailer.

SB 1704

Wentworth

Relating to the registration of vehicles and the issuance of specially designed license plates by the Texas Department of Transportation.

SB 1745

Zaffirini

Relating to the right of certain sexual assault victims to a forensic medical examination.

SB 1776

Gallegos

Relating to creating a recognition day in honor of Texas firefighters.

SB 1804

Harris

Relating to the resolution of certain medical disputes and certain other procedures in connection with workers' compensation benefits.

SB 1833

Staples

Relating to the use of electronic means for certain interactions between taxpayers and appraisal districts, taxing units, or other tax officials.

SB 1879

Van de Putte

Relating to certain practices to improve energy conservation in state buildings.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 8, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1564 Truitt SPONSOR: Nelson
Relating to the use of municipal funds for the acquisition of land or acquisition, construction, expansion, or renovation of facilities for an open-enrollment charter school.
(Committee Substitute)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 8, 2003 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 409 (viva-voce vote)
SB 1111 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 8, 2003 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 865 Van de Putte
Relating to pricing standards used under the Medicaid vendor drug program.

SB 1295 Van de Putte
Relating to providing financial assistance to defense communities.

SB 1303 Madla
Relating to certain employment matters affecting a county auditor, assistant auditor, or court reporter.

SB 1315 Van de Putte
Relating to the establishment of pharmacy license classifications by the Texas State Board of Pharmacy.

SB 1572 Carona
Relating to workers' compensation treatment guidelines and protocols.

SB 1573 Carona
Relating to the applicability of certain policies and guidelines adopted by the Texas Workers' Compensation Commission to medical dispute resolution under the workers' compensation system.

SB 1631 Wentworth
Relating to the authority of a county to regulate land development after a local option election.

SB 1826 Van de Putte
Relating to certain violations under the Texas Food, Drug, and Cosmetic Act; providing penalties.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 8, 2003 - 5

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 4 Zaffirini
Relating to the establishment and operation of the Texas B-On-time student loan program; authorizing the issuance of bonds.

SB 166

Shapiro

Relating to sex offender registration requirements imposed on certain higher education workers or students, to immunity for release of public information obtained as a result of those requirements, and to reports of status changes.

SB 596

Lindsay

Relating to discipline of public school students.

SB 1207

Duncan

Relating to state liability for costs and attorney's fees in certain actions seeking declaratory judgment.

SB 1574

Carona

Relating to the exchange of information between the Texas Workers' Compensation Commission and certain licensing agencies.

SB 1614

Ellis, Rodney

Relating to imposing a civil penalty for violation of certain restrictions relating to genetic information.

SB 1905

Barrientos

Relating to the creation, administration, and operation of and the property tax rate imposed by certain countywide hospital districts.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 7

Appropriations - **HB 1947, HB 3305, HB 3306, HB 3318, HB 3378, HB 3441, HB 3442, HB 3443, HB 3459, HB 3519**

Border and International Affairs - **HB 2974, SB 786, SB 1583, SCR 21**

Business and Industry - **HB 1279, HB 1465, HB 1860, HB 2180, SB 693, SB 995**

County Affairs - **HB 1660**

Criminal Jurisprudence - **SB 825, SB 826**

Defense Affairs and State-Federal Relations - **SB 719**

Economic Development - **SB 280, SB 349, SB 1070, SB 1072**

Elections - **HB 2119, SB 197, SB 244, SB 703, SB 1449**

Financial Institutions - **SB 533, SB 1211**

Government Reform - **SB 304**

Human Services - **HB 2222, SB 1074**

Insurance - **HB 3550**

Judicial Affairs - **HB 1905, HB 2923**

Juvenile Justice and Family Issues - **HB 503**

Local Government Ways and Means - **HB 3223**

Natural Resources - **HB 488, HB 3035, HB 3082, HB 3602, HB 3612**

Public Education - **HB 16, HB 95, HB 430, HB 442, HB 699, HB 1070, HB 1206, HB 2939, HB 3458, SB 894**

Redistricting - **HB 3398**

State Affairs - **HB 2611, SB 919**

State Cultural and Recreational Resources - **HB 1414, HB 1745**

Transportation - **HB 37, SB 361**

Ways and Means - **HB 109, HB 695**

ENGROSSED

May 7 - HB 494, HB 599, HB 722, HB 1594, HB 1875, HB 2044, HB 2785, HB 3460, HB 3468, HB 3560, HCR 103

ENROLLED

May 7 - HB 44, HB 242, HB 319, HB 802, HB 850, HB 1055, HB 1075, HB 1095, HB 1295, HB 1625, HCR 8

SENT TO THE GOVERNOR

May 7 - HB 242, HB 858, HB 1065